

DUSTIN GRENON

June 5, 2012

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<p>1 A. I couldn't tell you.</p> <p>2 Q. All right. Well, it was filed in court on</p> <p>3 January 27th, 2012; do you see that up at the top?</p> <p>4 A. Yes.</p> <p>5 Q. And so did you read it before you -- well,</p> <p>6 obviously, then, it was filed after you did you</p> <p>7 declaration on Coffin. You did your declaration on</p> <p>8 Coffin last June; correct?</p> <p>9 A. Right.</p> <p>10 Q. What was the purpose of reading this, if you</p> <p>11 know?</p> <p>12 A. I've reviewed it.</p> <p>13 Q. Okay. You haven't gone back and in any way</p> <p>14 revised the Exhibit 2 analysis that you finished on June</p> <p>15 30th, 2011 on Keith Coffin; have you?</p> <p>16 A. No.</p> <p>17 Q. Okay. Is there -- you've already talked about</p> <p>18 the DOI; is there something else called a Certificate of</p> <p>19 Inspection?</p> <p>20 A. There is. There's one on each one of our barges.</p> <p>21 Q. What is that?</p> <p>22 A. It basically states when the barge was built,</p> <p>23 where it was built, who owns the barge, where it can</p> <p>24 operate, to what drafts it can operate. It's renewed</p> <p>25 every five years.</p>	<p>1 checked outgoing temperature, checked incoming</p> <p>2 temperature, checked for leaks, maintained the</p> <p>3 generator, blah, blah, blah; correct?</p> <p>4 A. Correct.</p> <p>5 Q. And in the second to last sentence of the</p> <p>6 paragraph, he said, "There are no records that I'm aware</p> <p>7 of that capture these activities and the time I spent</p> <p>8 doing them"; is that accurate, to your knowledge?</p> <p>9 A. Yes, that's accurate.</p> <p>10 Q. Now, I don't know if this is something that</p> <p>11 Blessey has ever thought about before, but when</p> <p>12 somebody -- let me just ask you as director of</p> <p>13 operations, when a tankerman is traveling from their</p> <p>14 vessel to their house or from their house to the vessel,</p> <p>15 do y'all consider that working time?</p> <p>16 MR. GRIFFITH:</p> <p>17 Object to the form.</p> <p>18 THE WITNESS:</p> <p>19 I haven't thought about it.</p> <p>20 BY MR. OBERTI:</p> <p>21 Q. Okay. On paragraph 21 of the 4th exhibit, he</p> <p>22 talks about that he did some work as a shore-based</p> <p>23 tankerman for BMSO; does -- I think Mr. Voss testified</p> <p>24 to this. Sounds like you're saying BMSI does not</p> <p>25 employee or never has employed, to your knowledge,</p>
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<p>1 Q. Okay. Is there any necessity of signing off on</p> <p>2 that document when there's a cargo transfer?</p> <p>3 A. No.</p> <p>4 Q. And if you go to paragraph 16 of Exhibit 4 --</p> <p>5 A. Okay.</p> <p>6 Q. -- and it identifies some of the duties we</p> <p>7 already talked about there, through little a through</p> <p>8 little e; do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And then later on in the paragraph, it says,</p> <p>11 "There are no records that I'm aware of that capture</p> <p>12 these activities"; do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Is that an accurate statement, to your knowledge?</p> <p>15 A. Yeah, that's accurate.</p> <p>16 Q. Same thing on Exhibit 17, he talks about --</p> <p>17 MR. GRIFFITH:</p> <p>18 Exhibit 17?</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. I'm sorry. Exhibit 4, paragraph 17, he talks</p> <p>21 about some things he allegedly did, Mr. Coffin does,</p> <p>22 related to some heater barges; do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. He says some of the things we talked about. He</p> <p>25 claims he checked the pressure gauge for the fuel,</p>	<p>1 tankermen that are permanently shore-based; correct?</p> <p>2 A. That's correct.</p> <p>3 Q. But sometimes some tankermen do do some</p> <p>4 shore-based work on their days off?</p> <p>5 A. If they elected to.</p> <p>6 Q. Did you ever do that?</p> <p>7 A. No.</p> <p>8 Q. Okay. Have you ever heard the phrase "under the</p> <p>9 radar" used at Blessey?</p> <p>10 A. No.</p> <p>11 Q. Or "ghost ships"?</p> <p>12 A. No.</p> <p>13 Q. And during the time you worked on -- well, do you</p> <p>14 have personal knowledge of anybody doing a cargo</p> <p>15 transfer at Blessey that wasn't reflected on the</p> <p>16 electronic captain's log?</p> <p>17 A. No.</p> <p>18 Q. Okay. Exhibit 5, have you ever read this</p> <p>19 affidavit of Dustin Akins before?</p> <p>20 A. Yes, I have.</p> <p>21 Q. And do you remember when you read it?</p> <p>22 A. No, I don't.</p> <p>23 Q. Okay. Would you have read it before May 29th,</p> <p>24 2012?</p> <p>25 A. Possibly.</p>

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<p>1 Q. Okay.</p> <p>2 A. I'm not sure.</p> <p>3 Q. Well, May 29th, 2012 was --</p> <p>4 A. Last week.</p> <p>5 Q. Yes.</p> <p>6 A. Sure. I can't tell if you if I read it last week</p> <p>7 or not.</p> <p>8 Q. Do you remember what the reason was that you were</p> <p>9 reading this affidavit?</p> <p>10 A. Because Dustin Akins was involved in a lawsuit</p> <p>11 suing Blessey Marine Services.</p> <p>12 Q. Okay. So it wasn't part of your preparation of</p> <p>13 your declaration?</p> <p>14 MR. GRIFFITH:</p> <p>15 Object to the form.</p> <p>16 THE WITNESS:</p> <p>17 Not that I'm aware of.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. I think I already asked you what you relied on</p> <p>20 when you prepared your declarations, Exhibits 2 and 3,</p> <p>21 and you said, "The only thing I relied on was the</p> <p>22 captains' logs."</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. Okay. But at some point, either before or after</p> <p>25 May 29th, 2012, you don't remember if you read Exhibit</p>	<p>1 cargo transfers for everybody that you did such an</p> <p>2 analysis on and then subsequent, you read all of these</p> <p>3 affidavits?</p> <p>4 A. That's correct.</p> <p>5 Q. And now that you've read all of the affidavits,</p> <p>6 do you think you should go back and change any of your</p> <p>7 analyses or results?</p> <p>8 A. No.</p> <p>9 Q. Okay. Affidavit of Cody Duke, Exhibit 6, have</p> <p>10 you read that before?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And once again, it was after you finished</p> <p>13 your analysis as reflected in Exhibits 2 and 3?</p> <p>14 A. That's correct.</p> <p>15 Q. Exhibit 7, have you read Josh Fox's affidavit</p> <p>16 before?</p> <p>17 A. Yes, I have.</p> <p>18 Q. Once again, you read it after you completed your</p> <p>19 analysis in Exhibits 2 and 3?</p> <p>20 A. That's correct.</p> <p>21 Q. And Exhibit 8, Mason Fulkerson's affidavit, have</p> <p>22 you read that before?</p> <p>23 A. Yes, I have.</p> <p>24 Q. And once again, you read that after you completed</p> <p>25 your analysis reflected in Exhibits 2 and 3?</p>
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<p>1 4, which was the Coffin affidavit?</p> <p>2 A. The question was -- right -- have I read the</p> <p>3 affidavit, and the answer is yes. Exactly what day did</p> <p>4 I read it, I can't tell you what day that I read it.</p> <p>5 Q. Right. You can't even tell me if it was</p> <p>6 definitely before May 29th, 2012 or not; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Same thing with Keith Coffin's affidavit, Exhibit</p> <p>9 4, you don't know for sure you read it before May 29th,</p> <p>10 2012 or not?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And, in fact, in your declarations, you</p> <p>13 didn't include anything specifically to try to rebut</p> <p>14 Mr. Coffin's affidavit; did you?</p> <p>15 A. No.</p> <p>16 Q. Or Mr. Akins' affidavit?</p> <p>17 A. No.</p> <p>18 Q. Or any other affidavits that you've read;</p> <p>19 correct?</p> <p>20 A. No. That's correct. All of my analysis was done</p> <p>21 before reading any of the affidavits.</p> <p>22 Q. The analysis both in Exhibits 2 and 3?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So you finished your analysis, came up</p> <p>25 with the numbers on percentage of working time spent on</p>	<p>1 A. That's correct.</p> <p>2 Q. And Exhibit 9, affidavit of Zachary Latiolais,</p> <p>3 have you read that before?</p> <p>4 A. Yes, I have.</p> <p>5 Q. And you read it after you completed your analysis</p> <p>6 as reflected in Exhibits 2 and 3?</p> <p>7 A. Yes.</p> <p>8 Q. And Exhibit 10, affidavit of Jose Rangel, have</p> <p>9 you read that before?</p> <p>10 A. Yes, I have.</p> <p>11 Q. And you read it after you completed your analysis</p> <p>12 set forth in Exhibits 2 and 3?</p> <p>13 A. Yes.</p> <p>14 Q. And Exhibit 11, you read the affidavit of Gregory</p> <p>15 Robinson?</p> <p>16 A. Yes.</p> <p>17 Q. After you completed the analysis set forth in</p> <p>18 Exhibits 2 and 3?</p> <p>19 A. Yes.</p> <p>20 Q. And Exhibit 12, affidavit of Jason Villarreal,</p> <p>21 have you read that before?</p> <p>22 A. Yes, I have.</p> <p>23 Q. And you read it after your analysis set forth in</p> <p>24 Exhibits 2 and 3?</p> <p>25 A. Yes.</p>

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<p>1 Q. And how did you get these affidavits?</p> <p>2 A. I was given them by Beau -- no. Actually, I</p> <p>3 haven't seen these before yesterday.</p> <p>4 Q. Okay.</p> <p>5 A. I mean, I don't think I've seen these before</p> <p>6 yesterday.</p> <p>7 Q. Okay. So the affidavits reflected in Exhibits 4</p> <p>8 through 12, the first time you saw any of them was</p> <p>9 yesterday?</p> <p>10 A. I'm not prepared to say that. I haven't seen</p> <p>11 these -- I'm not prepared to say that. I can't tell you</p> <p>12 what date I've seen these.</p> <p>13 Q. Just can't remember?</p> <p>14 A. I can't remember the specific date that I was</p> <p>15 given these to review.</p> <p>16 Q. Okay. But you do see that -- you're not changing</p> <p>17 your testimony where you said that you hadn't seen any</p> <p>18 of these --</p> <p>19 A. No --</p> <p>20 Q. -- affidavits --</p> <p>21 A. -- I'm not.</p> <p>22 Q. -- until -- hold on.</p> <p>23 You haven't seen any of the affidavits reflected</p> <p>24 in Exhibits 4 through 12 until after you completed the</p> <p>25 analysis set forth in Exhibits 2 and 3?</p>	<p>1 A. I did not.</p> <p>2 Q. How did it get in front of you?</p> <p>3 A. It was either e-mailed to me or handed to me in</p> <p>4 print.</p> <p>5 Q. By?</p> <p>6 A. Mr. Bethune.</p> <p>7 Q. Okay. Did you make any changes?</p> <p>8 A. I don't recall. I don't remember if I any</p> <p>9 changes or not.</p> <p>10 Q. Okay. So do you know what the person who typed</p> <p>11 this up was relying on to draft it in the first place?</p> <p>12 A. Yeah. He was relying on conversations with me.</p> <p>13 Q. Mr. Bethune was?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So I assume that it's accurate to say that</p> <p>16 the declaration here that's attached as Exhibit 18 isn't</p> <p>17 word-for-word your exact words, but rather Mr. Bethune's</p> <p>18 typed up interpretation of your words that you reviewed</p> <p>19 and found to be generally accurate?</p> <p>20 A. That's correct.</p> <p>21 Q. And you say in paragraph 19 that, "As a</p> <p>22 consequence of Mr. Coffins' assignment, he most likely</p> <p>23 has no personal knowledge about the specific day-to-day</p> <p>24 activities of any other tankerman during the time he was</p> <p>25 on board the Laura Ann Blessey"; correct?</p>
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<p>1 A. Absolutely, that's correct.</p> <p>2 Q. And no one's asked you, I assume, but let me</p> <p>3 confer with you, to somehow modify or revise or edit the</p> <p>4 analyses you've provided?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. So whenever you saw the affidavits, do you</p> <p>7 know what the purpose was of your seeing them? Was</p> <p>8 there some purpose or just curiosity or what?</p> <p>9 A. Preparation for my deposition.</p> <p>10 Q. Okay. Fair enough.</p> <p>11 MR. GRIFFITH:</p> <p>12 Take a break?</p> <p>13 MR. OBERTI:</p> <p>14 Yes. I think I'm almost done.</p> <p>15 (A recess was taken.)</p> <p>16 BY MR. OBERTI:</p> <p>17 Q. We are back on the record.</p> <p>18 If you go to Exhibit Number 18, this is a</p> <p>19 declaration that you signed prior to the Court's ruling</p> <p>20 on Collective Certification back in April of 2011; do</p> <p>21 you remember that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And do you know who typed this one up?</p> <p>24 A. No, I don't.</p> <p>25 Q. Did you type it up?</p>	<p>1 A. Correct.</p> <p>2 Q. And likewise, you would say that you have no</p> <p>3 personal knowledge of specific day-to-day activities of</p> <p>4 any other tankerman either; right?</p> <p>5 A. Not specifically, no.</p> <p>6 Q. And you make the point in paragraph 13 that</p> <p>7 certain liquids could be safely loaded at a quicker rate</p> <p>8 than other liquids?</p> <p>9 A. Yes.</p> <p>10 Q. Does that go from unloading, too?</p> <p>11 A. No. They pretty much discharge at the same rate.</p> <p>12 I mean, there's different factors, I guess, that come</p> <p>13 into play of discharging, that would be length of the</p> <p>14 tank from the barge, diameter of the pipeline.</p> <p>15 Q. Okay. When it comes to loading, I'm assuming</p> <p>16 probably clear chemical versus, like, asphalt, it takes</p> <p>17 longer?</p> <p>18 A. It really depends. There's a number of factors</p> <p>19 that come into play.</p> <p>20 Q. Any idea what's the longest time of consecutive</p> <p>21 loading that you ever personally witnessed as a</p> <p>22 tankerman?</p> <p>23 A. Maybe around 24 hours.</p> <p>24 Q. What about unloading?</p> <p>25 A. Eighteen to 24 hours.</p>

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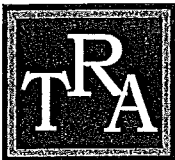
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<p>1 Q. What about the shortest?</p> <p>2 A. An hour.</p> <p>3 Q. Are you just pinching something off here or...</p> <p>4 A. No. I've loaded a barge in an hour before.</p> <p>5 Q. The whole barge wasn't empty and then full; was</p> <p>6 it?</p> <p>7 A. Yes.</p> <p>8 Q. In an hour?</p> <p>9 A. In an hour and 10 minutes.</p> <p>10 Q. Okay. What was the liquid?</p> <p>11 A. Diesel fuel.</p> <p>12 Q. So why would it take anywhere from an hour to 24</p> <p>13 hours to load a barge?</p> <p>14 A. The dock I was at -- I had a small barge. It was</p> <p>15 a 10,000-barrel barge, and I was loading at 10,000</p> <p>16 barrels an hour.</p> <p>17 Q. So the barges are at different capacities?</p> <p>18 A. Yes.</p> <p>19 Q. What's the range at Blessey?</p> <p>20 A. Ten-thousand barrels to 30,000 barrels.</p> <p>21 Q. Do you know how many of each?</p> <p>22 A. Not right offhand.</p> <p>23 Q. Do you know which size barges were attached to</p> <p>24 the vessels that the claimants in this case worked on?</p> <p>25 A. I can certainly review and tell you.</p>	<p>1 regarding your analysis of Mr. Coffin's working time was</p> <p>2 signed on June 30th, 2011; correct?</p> <p>3 A. Okay.</p> <p>4 Q. Exhibit 2.</p> <p>5 A. Yes. All right.</p> <p>6 Q. So had you already performed the actual analysis</p> <p>7 reflected in Exhibits B and C, 2 B and C, as of April</p> <p>8 11th, 2011?</p> <p>9 A. No, I don't believe so.</p> <p>10 Q. Okay. So how did you know whether or not you</p> <p>11 agreed or disagreed with Mr. Coffin's assertion that he</p> <p>12 had spent more than 20 percent of his time performing</p> <p>13 non-seaman's work as of April 13th, 2011?</p> <p>14 MR. GRIFFITH:</p> <p>15 Object to the form.</p> <p>16 BY MR. OBERTI:</p> <p>17 Q. Do you understand my question?</p> <p>18 A. I do, I understand it. Because I believe that</p> <p>19 all tanking duties are seamen's duties.</p> <p>20 Q. Okay. So that was the intention of what you were</p> <p>21 saying --</p> <p>22 A. Yes.</p> <p>23 Q. -- in paragraph 24?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And you believe all tankermen's job duties</p>
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<p>1 Q. Do you know now?</p> <p>2 A. No, I don't know offhand.</p> <p>3 Q. Is it always the same barges attached to the same</p> <p>4 vessel, or are they -- obviously they're interchangeable?</p> <p>5 A. They're interchangeable.</p> <p>6 Q. Okay. Depending on whatever the client's need</p> <p>7 are probably?</p> <p>8 A. Depending on client's needs, depending on where</p> <p>9 they are, if a charge barge goes into maintenance.</p> <p>10 Q. Okay. Paragraph 24, you say, "I am aware of the</p> <p>11 assertions of Mr. Coffin in this lawsuit about the</p> <p>12 loading and discharging of cargo on Blessey Marine</p> <p>13 vessels, and I believe they are not accurate"; correct?</p> <p>14 A. Correct.</p> <p>15 Q. What assertions are you talking about, if you can</p> <p>16 remember now?</p> <p>17 A. The assertions that he was tanking barges over 20</p> <p>18 percent of the time.</p> <p>19 Q. That's the assertion that you believed was not</p> <p>20 accurate?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you signed this particular declaration</p> <p>23 on April 13th, 2011; correct?</p> <p>24 A. Yes.</p> <p>25 Q. The affidavit that you signed specifically</p>	<p>1 or seamen's duties under the Fair Labor Standards Act;</p> <p>2 correct?</p> <p>3 MR. GRIFFITH:</p> <p>4 Object to the form.</p> <p>5 THE WITNESS:</p> <p>6 I'm not familiar with the Fair Labor</p> <p>7 Standard Act.</p> <p>8 BY MR. OBERTI:</p> <p>9 Q. That's kind of my point. You don't even know</p> <p>10 what seamen's duties are defined as under the Fair</p> <p>11 Standards Labor Act; do you?</p> <p>12 A. I do defined under the CFRs.</p> <p>13 Q. So you do know what the definition of seamen's</p> <p>14 duties are under the CFRs?</p> <p>15 A. Under the CFRs, yes.</p> <p>16 Q. Okay. What the definition?</p> <p>17 A. I can't recite them verbatim.</p> <p>18 Q. I think you told me already you thought it was</p> <p>19 something along the lines of, they perform their work</p> <p>20 under the immediate direction and supervision of a</p> <p>21 master of a vessel?</p> <p>22 MR. GRIFFITH:</p> <p>23 I'm going to object. I don't think that</p> <p>24 was his testimony. Whatever it was, it was, but I don't</p> <p>25 think that was it.</p>

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<p>1 BY MR. OBERTI: 2 Q. Was that it? 3 MR. GRIFFITH: 4 Object to the form. 5 THE WITNESS: 6 I can't tell you if that's what I said 7 verbatim this morning. 8 BY MR. OBERTI: 9 Q. Okay. What is your definition of seamen's duties 10 other than -- your understanding? 11 A. Sure. I think a seaman's duties, he's 12 responsible for the master of the vessel or he is the 13 master of the vessel, and the duties that he performs 14 are directly related to the transportation -- safe 15 transportation of the vessel. 16 Q. Okay. And then you say even loading and 17 unloading is related to the safe transportation of the 18 vessel because if you do it improperly, the barge itself 19 could sink? 20 A. Absolutely. 21 Q. Okay. And where did you get that understanding 22 of the what a seaman's duties are under the Fair Labor 23 Standards Act? 24 A. I read it. 25 Q. Where did you read it?</p>	<p>1 A. I'm sorry. Exhibit 23? 2 Q. Exhibit 19, page 23. 3 A. Oh, Exhibit 19. Got you. 4 Q. Okay. There's a sentence in the document that 5 says at the top, "There is a tremendous difference 6 between preparing the barge to receive or unload cargo 7 and the actual loading and unloading of cargo"; correct? 8 A. That's correct. 9 Q. In the context of this analysis that you did in 10 Exhibits 2 and 3, what you claim you counted towards 11 cargo transfer was simply and only the actual loading 12 and unloading of cargo; correct? 13 MR. GRIFFITH: 14 I'm going to object to the form. 15 THE WITNESS: 16 That's correct, because the preparation 17 of the barge could be done by an unlicensed tankerman. 18 BY MR. OBERTI: 19 Q. Okay. Then there's a footnote here on page 23, 20 Footnote 26, it says, "The merits are not relevant to 21 the resolution of this motion, but Blessey Marine notes 22 that every tankerman is Cost Guard certified to be 23 specially trained to ensure that barges remain seaworthy 24 during and after receiving and discharging cargo"; do 25 you see that?</p>
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<p>1 A. I read it in a document that was given to me by 2 Beau. 3 Q. What was the document? 4 A. I don't recall exactly what the document was. 5 Q. It was from the Code of Federal Regulations? 6 A. I believe so. 7 Q. So it wasn't something that your attorneys 8 prepared? 9 A. No. 10 Q. Okay. And did you read anything about how the 11 courts interpreted what the definition of seamen's work 12 is under the Fair Labor Standards Act? 13 A. I did. 14 Q. Okay. Do you remember any of the names the cases 15 the Court recited? 16 A. No, not offhand. 17 Q. Do you know specifically whether or not any court 18 has addressed whether or not loading and unloading of 19 barges is seamen's work? 20 A. No. 21 Q. You don't know? 22 A. Beg pardon? 23 Q. You don't know? 24 A. I don't know. 25 Q. Okay. Exhibit 19, go to page 23.</p>	<p>1 A. Yes, I do. 2 Q. What special training is that? Is that part of 3 the certification to become a tankerman or some other 4 training? 5 A. That's part of the certification. 6 Q. Do you know are deckhands, is there any 7 certification requirement for deckhands? 8 A. No, there isn't. 9 Q. So can just anybody off the street, assuming 10 they're physically able, be hired as a deckhand? 11 A. Yes. 12 Q. And does Blessey put them through any sort of 13 training? 14 A. Yes, we do. 15 Q. How long is the training to a deckhand? 16 A. Ten to 12 days. 17 Q. And is there anything -- do you know what the 18 training consist of? 19 A. It's broad-based. They go through operations, 20 safety training, line handling, basic terminology of the 21 boat and barges. 22 Q. Are deckhands given any special training to 23 ensure that barges remain seaworthy during and after 24 receiving discharging cargo? 25 MR. GRIFFITH:</p>

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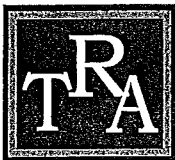
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DUSTIN GRENON

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<p>1 I'm sorry. Did you say are deckhands?</p> <p>2 MR. OBERTI:</p> <p>3 Yes.</p> <p>4 THE WITNESS:</p> <p>5 Any specific training, no.</p> <p>6 BY MR. OBERTI:</p> <p>7 Q. Only tankermen are?</p> <p>8 A. The tankermen are trained in their 40-hour</p> <p>9 training class.</p> <p>10 Q. That goes towards their certification?</p> <p>11 A. That's correct.</p> <p>12 Q. And it says, "If the tankerman does not perform</p> <p>13 his job duties, the barges are at risk of becoming</p> <p>14 unseaworthy due to hogging or sagging, two consequences</p> <p>15 of improper loading or unloading of cargo";</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. And I'm guessing -- what is hogging?</p> <p>19 A. Hogging is if you were to load the bow or the</p> <p>20 stern without putting enough cargo into the center</p> <p>21 tanks. And sagging would be opposite, if you had the</p> <p>22 center of the barges loaded with the ends being not</p> <p>23 loaded.</p> <p>24 Q. Okay. What are these barges made out of?</p> <p>25 A. Steel.</p>	<p>1 barge and thereby the tug boat remains seaworthy renders</p> <p>2 Coffin is well within the scope of what a seaman's duty</p> <p>3 is in FLSA"; right?</p> <p>4 A. Yes.</p> <p>5 Q. Which is the same thing you've been saying;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. All right. Exhibit Number 20, this letter</p> <p>9 is dated July 1st, 2011; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you see in the first -- I'm sorry -- second</p> <p>12 paragraph, "Yesterday, an analysis of all captains' logs</p> <p>13 regarding the nature of Mr. Coffin's work was completed,</p> <p>14 and it conclusively established that Mr. Coffin spent no</p> <p>15 more than 13 percent of his time on cargo transfer</p> <p>16 work"; correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that refers to the declaration attached as</p> <p>19 Exhibit 2 that you signed on June 30th, 2011; correct?</p> <p>20 A. Correct.</p> <p>21 Q. All right. I think I get it now is that you had</p> <p>22 reached the 13 percent conclusion regarding Mr. Coffin's</p> <p>23 time spent on cargo transfer before June 30th, you just</p> <p>24 didn't sign the declaration that day; correct?</p> <p>25 MR. GRIFFITH:</p>
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<p>1 Q. How thick is the steel?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. Well, to your knowledge, has there ever</p> <p>4 been any barges that hogged or sagged at Blessey?</p> <p>5 A. Not while owned by Blessey Marine Services, no.</p> <p>6 Q. What about any of the other companies that you</p> <p>7 worked at?</p> <p>8 A. Yes.</p> <p>9 Q. What happened, hogged or sagged?</p> <p>10 A. There was a barge -- I don't know if it was</p> <p>11 hogged or sagged. It was loaded at Linedale Pasadena,</p> <p>12 and it sank at the dock because it was loaded</p> <p>13 improperly.</p> <p>14 Q. Who manufactures Blessey's barges?</p> <p>15 A. We use a couple different shipyards.</p> <p>16 Q. Do those shipyards manufacture barges for other</p> <p>17 companies in the industry as well?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know if the barge that you're familiar</p> <p>20 with that hogged or sagged in Pasadena was manufactured</p> <p>21 by one of the same companies Blessey gets its barges</p> <p>22 from?</p> <p>23 A. I'm not aware of that.</p> <p>24 Q. Okay. Then you say -- then the footnote goes on</p> <p>25 the say, "In that vain, the very act of making sure the</p>	<p>1 Object to the form. I don't think</p> <p>2 that's what the testimony was.</p> <p>3 BY MR. OBERTI:</p> <p>4 Q. Is that what your testimony was?</p> <p>5 A. I'm not sure.</p> <p>6 Q. Okay. Well, let's go back to Exhibit 2 real</p> <p>7 quick.</p> <p>8 A. Sure.</p> <p>9 Q. Okay. You signed declaration on June 30th, 2011;</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 Q. But you had already previously drawn the</p> <p>13 conclusion that Mr. Coffin had spent 13 percent maximum</p> <p>14 of his work hours doing cargo transfers; right?</p> <p>15 A. Yes.</p> <p>16 MR. GRIFFITH:</p> <p>17 I'm going to object to the form because</p> <p>18 I don't think that was his testimony earlier.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. That was your testimony; right?</p> <p>21 MR. GRIFFITH:</p> <p>22 I think what he testified to earlier --</p> <p>23 you're talking about the April declaration compared to</p> <p>24 this; right?</p> <p>25 MR. OBERTI:</p>

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<p>1 No. No. I'm not comparing the April 2 declaration to this. 3 BY MR. OBERTI: 4 Q. I'm just saying, it's not like on June 30th, 5 that's when you first concluded Mr. Coffin had spent 13 6 percent of his working hours on cargo transfers; right? 7 A. I don't know what day it was. 8 Q. Well, it was obviously before June 30th -- 9 A. Yes. 10 Q. -- that some time passed before your conclusion 11 and the draft declaration and Mr. Bethune coming back to 12 you; correct? 13 A. That's correct. 14 Q. But you don't know how much time passed? 15 A. I don't know, 16 Q. All right. If you turn to Exhibit 20 B, which is 17 two pages up, I'm assuming at as director of operations, 18 you saw this letter that went out to -- this is one 19 example of the letter, but it's one of the letters that 20 went out to your current tankermen? 21 A. I was aware of the letter. 22 Q. Back in August 2011? 23 A. Yes. 24 Q. From your outside counsel in this case? 25 A. Yes.</p>	<p>1 has represented that there could be some sort of adverse 2 financial consequences to the company if the court rules 3 against them? Are you aware that Blessey has made that 4 representation to the court? 5 A. Yeah. That's common knowledge, I would assume. 6 Q. Have y'all done any sort of financial projections 7 to determine what impact a loss in this case would have 8 on the company? 9 MR. GRIFFITH: 10 I'm going to object and ask him not to 11 answer. I don't know if it exists, but to the extent it 12 does, it's likely work product or something prepared in 13 defensive litigation. 14 BY MR. OBERTI: 15 Q. Have you done such a thing separate and apart 16 from counsel or any lawyer telling you to do it? 17 MR. GRIFFITH: 18 I'm comfortable with him answering 19 whether Dustin Grenon has done an analysis of financial 20 impact in this case without direction from counsel. I'm 21 happy for him to answer that question, because I 22 candidly don't know the answer to it. 23 THE WITNESS: 24 No, I have not. 25 BY MR. OBERTI:</p>
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<p>1 Q. And it says that, if you go to the third 2 paragraph, it says, "In the future, if the court 3 determines that Blessey Marine must pay tankermen on an 4 hourly basis, Blessey Marine will calculate an hourly 5 rate for you that will be equivalent to what you are 6 being paid now on a day rate. In other words, your 7 future pay will not change much, if at all, based on the 8 lawsuit"; correct? 9 A. Yes. 10 Q. Is that truthful? 11 MR. GRIFFITH: 12 Object to the form. 13 BY MR. OBERTI: 14 Q. A truthful statement? 15 A. I didn't draft the letter. 16 Q. Well, I mean, as director of operations there, 17 are you aware that Blessey has already concluded that if 18 the court finds that tankermen must be paid on an hourly 19 basis, the Blessey Marine plan is to calculate an hourly 20 rate for the tankermen equivalent to what they're being 21 paid now on a day rate? 22 A. That wasn't the scope of my responsibility. 23 Q. So if that plan exists, you don't know about it? 24 A. That's correct. 25 Q. Do you know that in finds with the court, Blessey</p>	<p>1 Q. Okay. Has any tankerman or former tankerman at 2 Blessey asked you any questions about the lawsuit? 3 A. No. 4 Q. You would agree with me, obviously, that if you 5 counted -- under your definition of cargo transfer, if 6 you counted from secured -- from barges secured to the 7 dock to unsecured from dock, obviously the percentage 8 that would be considered a cargo transfer time for each 9 claimant could go would go up; correct? 10 MR. GRIFFITH: 11 Object to the form. 12 THE WITNESS: 13 Yes. The percentage would go up. 14 BY MR. OBERTI: 15 Q. And, likewise, if you counted from hose on to 16 hose off, it would go up; correct? 17 A. It would go up. 18 Q. But you don't know how much it would go up 19 because the only analysis you ran is cargo transferring 20 through the hose till cargo stopped transferring through 21 the hose; correct? 22 A. That's correct. 23 Q. Okay. If you go to Exhibit 24, is this something 24 called a Blessey Marine Services, Inc., Barge Readiness 25 Checklist?</p>

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<p>1 A. Yes, it is.</p> <p>2 Q. What's the point of this document?</p> <p>3 A. Primarily it's a guide for the tankermen to</p> <p>4 ensure that the barge is ready before it gets to dock.</p> <p>5 Q. Okay. Ready for what; loading or discharging?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And is it required that they fill it out</p> <p>8 and sign it before landing in dock for loading or</p> <p>9 unloading?</p> <p>10 A. It is required.</p> <p>11 Q. Looks like they sign it and the captain signs it?</p> <p>12 A. That's correct.</p> <p>13 Q. I'm sorry if I forgot. What happens to this</p> <p>14 document later on?</p> <p>15 A. If it gets done, it gets sent into the office.</p> <p>16 Q. Okay. Do y'all preserve them in some organized</p> <p>17 fashion?</p> <p>18 A. Yes, we do.</p> <p>19 Q. Do you keep them for some designated time?</p> <p>20 A. If so, I can't tell you for how long.</p> <p>21 Q. Okay. And did you make any effort to see if</p> <p>22 there was Barge Readiness Checklists on any of the</p> <p>23 vessels that any claimants in this case worked on?</p> <p>24 A. I did.</p> <p>25 Q. What did you find?</p>	<p>1 A. Angie Fay.</p> <p>2 Q. Okay. Did you talk to Angie about trying to find</p> <p>3 these Barge Readiness Checklists on the claimants?</p> <p>4 A. I don't believe so.</p> <p>5 Q. What did you do to try to find them?</p> <p>6 A. I asked the person that works with Jessie</p> <p>7 Thompson.</p> <p>8 Q. And Jessie, I guess, looked around and told you</p> <p>9 she couldn't find any?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. All right. Exhibit 25, is this an example</p> <p>12 of a situation where a discharge started apparently at</p> <p>13 5:50 then was suspended at 7:30 and then was resumed at</p> <p>14 8:45?</p> <p>15 A. That's correct.</p> <p>16 Q. And am I correct in saying that you didn't</p> <p>17 include as cargo transfer time the time between 7:30 and</p> <p>18 8:45 because cargo wasn't actually flowing; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. If you go to Exhibit 27, this is your</p> <p>21 handwriting here, the 5.5?</p> <p>22 A. Yes.</p> <p>23 Q. Where do you come up with 5.5 hours from?</p> <p>24 A. They were loading at midnight.</p> <p>25 Q. Right.</p>
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<p>1 A. There weren't.</p> <p>2 Q. Any?</p> <p>3 A. No.</p> <p>4 Q. None?</p> <p>5 A. None.</p> <p>6 Q. But we know that the claimants each did do some</p> <p>7 cargo transfers as tankermen; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so presumably they filled out the Barge</p> <p>10 Readiness Checklists because it's required; right?</p> <p>11 A. You would presume, yes.</p> <p>12 Q. And so any idea where the Barge Readiness</p> <p>13 Checklists are?</p> <p>14 A. No.</p> <p>15 Q. Okay. And it sounds to me that -- is it fair to</p> <p>16 say, Blessey doesn't have any organized -- or doesn't</p> <p>17 have any definitive rule as to where or how long these</p> <p>18 Barge Readiness Checklists have to be maintained; is</p> <p>19 that correct?</p> <p>20 A. I don't know. It's not under my realm of</p> <p>21 responsibility.</p> <p>22 Q. Whose realm of responsibility would that be</p> <p>23 under?</p> <p>24 A. I believe our Corporate Compliance Department.</p> <p>25 Q. Who is that headed by?</p>	<p>1 A. And finished loading at 5:35, so I just made a</p> <p>2 note on the margin there, 5.5 hours.</p> <p>3 Q. Where does the .5 further down on the page come</p> <p>4 from?</p> <p>5 A. I don't know if that's a .5 or a five. I'm</p> <p>6 assuming that's a .5, just because they took off the</p> <p>7 hose, because that's all they did after 6:00.</p> <p>8 Q. Okay. But, I mean, I guess the reason I was</p> <p>9 questioning that was, is it accurate to say that you</p> <p>10 didn't symptomatically assign .5 towards cargo transfer</p> <p>11 for every time they took the hose off; did you?</p> <p>12 MR. GRIFFITH:</p> <p>13 Object to the form.</p> <p>14 THE WITNESS:</p> <p>15 If that was all that was done on a</p> <p>16 watch, but they took off the hose -- I'm not sure --</p> <p>17 these notes on the side are simply notes that I made</p> <p>18 while doing an analysis. What I did was looked at each</p> <p>19 one of the watches, I made notations and then I made</p> <p>20 different lists of the totals and that was used. I</p> <p>21 didn't go to each one of these pages and re-tally it. I</p> <p>22 made a watch total for each day.</p> <p>23 Q. I think if you go to Exhibit 2 B -- I'm sorry --</p> <p>24 C, you created a something like this for each claimants?</p> <p>25 A. No. That was just for Coffin.</p>

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<p>1 Q. Okay.</p> <p>2 MR. GRIFFITH:</p> <p>3 You've got his work papers for everybody</p> <p>4 else.</p> <p>5 MR. OBERTI:</p> <p>6 Right.</p> <p>7 MR. GRIFFITH:</p> <p>8 And even Coffin, for that matter.</p> <p>9 MR. OBERTI:</p> <p>10 Yes.</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. All right. I guess what I'm asking is -- and</p> <p>13 maybe you've already answered it. I think you have.</p> <p>14 Let me just put it all together here. On a lot of your</p> <p>15 work papers in the analysis that you created that is</p> <p>16 dated May 29th of 2012, there's handwritten numbers on</p> <p>17 the captains' logs; right?</p> <p>18 A. Yes.</p> <p>19 Q. And that's your handwriting?</p> <p>20 A. That's my handwriting, yes.</p> <p>21 Q. Those numbers don't nec- -- are you saying those</p> <p>22 numbers don't necessarily correspond to the number that</p> <p>23 you ultimately put into the analysis for the purposes of</p> <p>24 crediting them for cargo transfer time.</p> <p>25 A. The number in the analysis was a combination of</p>	<p>1 you?</p> <p>2 A. It's strictly a note.</p> <p>3 Q. Okay. To yourself?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. So Number 28, if you look at where it</p> <p>6 says, 2015, it says, "Start load, WEB 316"; right?</p> <p>7 A. 2015, "Start loading WEB 316"; correct.</p> <p>8 Q. But then later on at 2330, it says, "Hose on WEB</p> <p>9 318"; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. How could the have started to load barge WEB 316</p> <p>12 without the hose being on first? That's got to be some</p> <p>13 sort of mistake; right?</p> <p>14 A. It has to be a clerical error.</p> <p>15 Q. Okay.</p> <p>16 A. Because in the next line of -- two lines down or</p> <p>17 whatever, 2359 says, "Standing by to get the hose on</p> <p>18 316."</p> <p>19 Q. Right. And, you know, hey, errors happen;</p> <p>20 correct?</p> <p>21 A. They happen.</p> <p>22 Q. Do you know if you credited time for cargo</p> <p>23 transfer between 2015 and 2330?</p> <p>24 A. Between 2015 and 2030?</p> <p>25 Q. Between 2015 and 2330.</p>
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<p>1 whatever watches they were on because I separated into</p> <p>2 six different watches, the front watch and the back</p> <p>3 watch.</p> <p>4 Q. But in order to double check your ultimate</p> <p>5 number, you can't just add up your handwritten numbers</p> <p>6 on the captain's log because that's not what you did; is</p> <p>7 that accurate?</p> <p>8 A. There's some days where I didn't write anything</p> <p>9 on there.</p> <p>10 Q. Okay. Even thought there was a cargo transfer,</p> <p>11 you just looked at it and figured it in?</p> <p>12 A. There were days where there was a transfer going</p> <p>13 on a complete 24 hours and there was no need for me to.</p> <p>14 Q. Okay. I got it. All I'm saying is, it sounds</p> <p>15 like what you're telling me, we really can't interpret</p> <p>16 anything from your handwritten notes?</p> <p>17 MR. GRIFFITH:</p> <p>18 Just to be clear, you're talking about</p> <p>19 notes on Exhibit 27? Because there's a separate set of</p> <p>20 notes for each of those guys that you have.</p> <p>21 BY MR. OBERTI:</p> <p>22 Q. Well, I'm talking about notes where you put times</p> <p>23 on the side of the captain's log, it's not like there's</p> <p>24 any special significance to those times, you can't add</p> <p>25 them up and come up with the whole transfer time; can</p>	<p>1 A. I'm sure that I did. If there was transfer being</p> <p>2 conducted, then I was crediting time.</p> <p>3 Q. All right. But you didn't put any number in</p> <p>4 handwriting off to the side, although that doesn't mean</p> <p>5 anything; right?</p> <p>6 A. Just like I said, there wouldn't necessary be a</p> <p>7 note.</p> <p>8 Q. How could we double check whether you actually</p> <p>9 credited that time as cargo transfer or not?</p> <p>10 A. I guess you could analyze all of the logs that I</p> <p>11 analyzed.</p> <p>12 Q. And see if we come up with the same number?</p> <p>13 MR. GRIFFITH:</p> <p>14 Just to be clear, are you talking about</p> <p>15 is there a another way to do it independent of his</p> <p>16 notes?</p> <p>17 MR. OBERTI:</p> <p>18 No. Just period. Are there some others</p> <p>19 notes that you have that would somehow shed light on</p> <p>20 that?</p> <p>21 MR. GRIFFITH:</p> <p>22 Well, we've produced to you any other</p> <p>23 notes.</p> <p>24 MR. OBERTI:</p> <p>25 We're just asking him. I know you said</p>

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<p>1 there are, but...</p> <p>2 MR. GRIFFITH:</p> <p>3 Well, I gave them to you. I know there</p> <p>4 are.</p> <p>5 MR. OBERTI:</p> <p>6 Okay. Great. What is --</p> <p>7 MR. GRIFFITH:</p> <p>8 Well, he doesn't know what it looks</p> <p>9 like. He didn't review the production before we gave it</p> <p>10 to you. He doesn't know that you have in your</p> <p>11 possession his handwritten notes that came from us.</p> <p>12 That's all I'm trying to convey.</p> <p>13 BY MR. OBERTI:</p> <p>14 Q. Are there some handwritten notes that somehow</p> <p>15 shed some light on this that you created?</p> <p>16 A. The only other notes that were created were</p> <p>17 created on a small tablet and I tabulated each watch,</p> <p>18 front and back watch.</p> <p>19 Q. Okay. For each claimant?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. What year it was it that you got</p> <p>22 terminated by Hollywood?</p> <p>23 A. 1996.</p> <p>24 Q. And have you ever been convicted of any crime,</p> <p>25 other than a minor traffic offense?</p>	<p>1 A. No, not necessarily.</p> <p>2 Q. Changing the oil filters on the boats, as an</p> <p>3 example, what's the consequence if you don't change the</p> <p>4 oil filters?</p> <p>5 A. If you don't change the oil filters on the boat?</p> <p>6 Q. Correct.</p> <p>7 A. You could potentially seize an engine.</p> <p>8 Q. What's the consequence if you don't change the</p> <p>9 oil filters on a barge?</p> <p>10 A. You could seize an engine.</p> <p>11 Q. If you seize an engine on a barge, do you have</p> <p>12 the ability to transport cargo?</p> <p>13 A. No, you don't.</p> <p>14 Q. Oiling grease fittings is something you</p> <p>15 discussed?</p> <p>16 A. Yes.</p> <p>17 Q. Why do you oil grease fittings?</p> <p>18 A. You oil the grease fittings for different</p> <p>19 purposes, but the grease fittings on valves, if they're</p> <p>20 not greased and the valve doesn't spin freely, you could</p> <p>21 potentially break a valve stem or you couldn't open or</p> <p>22 close a valve.</p> <p>23 Q. Do you only oil hinges on valves?</p> <p>24 A. No.</p> <p>25 Q. Or there is a --</p>
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<p>1 A. No.</p> <p>2 MR. OBERTI:</p> <p>3 All right. Well, thank you for your</p> <p>4 time and attention here today. I very much appreciate</p> <p>5 it, and I'll pass the witness.</p> <p>6 MR. GRIFFITH:</p> <p>7 Let me take a quick break and then</p> <p>8 I'll -- I do have some questions. Let's take a break.</p> <p>9 (A recess was taken.)</p> <p>10 EXAMINATION BY MR. GRIFFITH:</p> <p>11 Q. Mr. Grenon, I have a few questions to follow up</p> <p>12 on based on the testimony today so far.</p> <p>13 Let's talk about duties that were discussed</p> <p>14 earlier to prepare the barges for loading and unloading</p> <p>15 as Mr. Oberti characterized it. One of the duties that</p> <p>16 was mentioned was changing oil filters on barges; do you</p> <p>17 recall that?</p> <p>18 A. Yes.</p> <p>19 Q. Is that something deckhands can do?</p> <p>20 A. Yes.</p> <p>21 Q. In your experience, do deckhands or tankermen</p> <p>22 typically do that?</p> <p>23 A. Could be either/or, both.</p> <p>24 Q. Is that something that tankermen are expected to</p> <p>25 do instead of deckhands on a regular basis?</p>	<p>1 A. There are valves, PTOs, there's grease fittings</p> <p>2 on the winches, and all of those are necessary to meet</p> <p>3 the barges together or to get product on or off of the</p> <p>4 barges to transport the cargo.</p> <p>5 Q. Is that something that has to happen on every</p> <p>6 vessel, to your knowledge?</p> <p>7 A. Yes.</p> <p>8 Q. Are there any vessels with hinges that do not</p> <p>9 require grease fittings to be oiled?</p> <p>10 A. No.</p> <p>11 Q. Or rather hinges to be oiled?</p> <p>12 A. No.</p> <p>13 Q. And are there any hinges or valves that you</p> <p>14 oil -- I'm not asking that very well. Let me ask it a</p> <p>15 different way.</p> <p>16 Who's responsible for oiling grease fittings?</p> <p>17 A. The captain is ultimately responsible, but he can</p> <p>18 pass that responsibility on to the deck crew, either the</p> <p>19 tankermen or deckhands.</p> <p>20 Q. In your experience, is a tankerman or deckhand</p> <p>21 that perform that work?</p> <p>22 A. Could be either/or. They're both qualified to do</p> <p>23 that work.</p> <p>24 Q. What about cleaning oil spots and debris; who</p> <p>25 does that work?</p>

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DUSTIN GRENON

June 5, 2012

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<p>1 A. Everybody on the vessel is qualified for it, the 2 deckhands, tankermen and captain if the boat is standing 3 by. 4 Q. It's not a tankerman-specific duty? 5 A. No. 6 Q. And are you aware of any vessel on the planet 7 that does not require cleaning? 8 A. No. 9 Q. It's just the nature of being a vessel? 10 A. It's the nature of the beast. 11 Q. General maintenance of the vessel? 12 A. Yes. 13 Q. You talked about hatches having to be too tight? 14 A. Yes. 15 Q. Is that something that deckhands or tankermen can 16 do? 17 A. Either can do. 18 Q. It's not a tankerman-specific duty? 19 A. No. 20 Q. Is that something that has to happen on every 21 vessel, to your knowledge? 22 A. Yes, it is. 23 Q. If it doesn't happen, I think you described a 24 scenario that a boat sunk. 25 A. Yes.</p>	<p>1 A. That's correct. 2 Q. We talked at length about issues related to 3 heater barges, checking pressure gauges, draining water, 4 other duties that are related to the heaters; are those 5 duties performed by tankermen or deckhands? 6 A. They can be performed by deckhands or tankermen or 7 an engineer. I've seen some of those performed by an 8 engineer. 9 Q. So there's nothing about those duties that are 10 specific to tankerman? 11 A. No. 12 Q. What happens if the heaters are not maintained? 13 A. It could be catastrophic. 14 Q. Describe that, please. 15 A. So, for instance, the barges are heated with 16 thermal heating fluid, if water happens to get into the 17 lines, once that heater is turned on, that water can 18 expand and become steam. It could bust a thermal oil 19 line. If the barge has got asphalt in it and then you 20 introduce water into this barge, if it's trying to 21 expand into a steam and has no place to go, it can spray 22 asphalt out of the tank, the barge can catch on fire. I 23 mean, there's a number of things that could happen. 24 Q. If the heaters are not maintained, does the barge 25 maintain its ability to transport cargo?</p>
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<p>1 Q. But that's an extreme situation; right, but it 2 can happen? 3 A. Yes, it can happen. 4 Q. Readiness inspections, we spent a bunch of time 5 on that. Who performs those, deckhands or tankermen? 6 A. Both can do it. 7 Q. So it's not specific for tankermen? 8 A. No. 9 Q. And we talked about readiness checklists in this 10 particular case, and I believe you said Blessey policy 11 is that those regular checklists are supposed to be 12 created prior to every transfer; is that right? 13 A. That's correct. 14 Q. In your experience, are these readiness 15 checklists performed prior to each transfer? 16 A. No, they're not. 17 Q. Are these forms completed before each transfer? 18 A. No, they're not. I wish they were. 19 Q. So the fact that there are no readiness transfer 20 forms filled out for any of the plaintiffs in this case, 21 does that suggest that they did not do them? 22 A. One would assume. 23 Q. And I'm sorry if I asked this, but if it does 24 occur, it could be either a deckhand or a tankerman that 25 does it?</p>	<p>1 A. No, it does not. The cargo would solidify in the 2 tank and you wouldn't be able to get it in or out of it. 3 Q. Would you be able to -- if you're not maintaining 4 the heaters and the heaters aren't operating, would you 5 be able to even transport cargo from a to b? 6 A. No. 7 Q. The visual inspections that we described that 8 occur related to the heaters, is that a deckhand duty or 9 tankermen duty? 10 A. Any crew member could perform these duties. 11 Q. Nothing about it specific to tankermen? 12 A. No. 13 Q. And that's all general maintenance of the barge? 14 A. That's considered general maintenance. 15 Q. We talked about engine maintenance on the barges 16 as well, and I think we talked about consequences if 17 those are not maintained, that the barge could no longer 18 transport cargo; is that right? 19 A. That's correct. 20 Q. You discussed in your earlier testimony that one 21 of the reasons that water is drained from the voids, you 22 said that the barge is loaded in a particular fashion; 23 am I remembering that correctly? 24 A. You would keep water out of the void for that 25 reason, because you discharge a barge in a particular</p>

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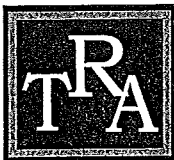
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<p>1 fashion.</p> <p>2 Q. And as the barge is being loaded and discharged,</p> <p>3 it's moving?</p> <p>4 A. It's moves in and up out of the -- it moves up or</p> <p>5 down out of the water.</p> <p>6 Q. And when all of the cargo is in, the barge has</p> <p>7 certain drafts at specific points; is that right?</p> <p>8 A. It's a specific part of the load orders when they</p> <p>9 go to the boat. It will have a specific draft that they</p> <p>10 load depending on the destination of the cargo.</p> <p>11 Q. And does the draft that the barge have at its</p> <p>12 different points impact the ability of the captain to</p> <p>13 navigate that barge in certain waterways?</p> <p>14 A. Yes.</p> <p>15 Q. In what way?</p> <p>16 A. Different ports -- different waterways are</p> <p>17 maintained at different depths, so you wouldn't be able</p> <p>18 to get certain drafts into certain ports. It would</p> <p>19 depend on where the product was going to go.</p> <p>20 Q. So during the loading process, the reason you pay</p> <p>21 attention to the drafts is because it impacts the</p> <p>22 navigation?</p> <p>23 A. That's correct.</p> <p>24 Q. And it affects the ability to move the barge at</p> <p>25 all?</p>	<p>1 size of a football field and made out of steel, what</p> <p>2 does that mean?</p> <p>3 A. There's -- all of our barges are double hull</p> <p>4 barges and they have all sorts of framing into -- below</p> <p>5 the tanks and on the side of tanks and all of that steel</p> <p>6 will contract or expand and pop welds and put a visible</p> <p>7 twist in the barge.</p> <p>8 Q. Quite literally, the barge, the huge structure,</p> <p>9 will twist?</p> <p>10 A. It will twist.</p> <p>11 Q. Does that impact the ability to move the barge?</p> <p>12 A. Yes.</p> <p>13 Q. Does that impact the ability of the captain to</p> <p>14 navigate the barge in the waterways?</p> <p>15 A. Yes.</p> <p>16 Q. Does that impact the ability for the barge to</p> <p>17 leave the dock?</p> <p>18 A. Potentially. Even the Coast Guard would have to</p> <p>19 issue an 835 for us to proceed.</p> <p>20 Q. So if the heater systems are not maintained, then</p> <p>21 the Coast Guard may prevent the barge from leaving and</p> <p>22 transporting?</p> <p>23 A. Absolutely.</p> <p>24 Q. We talked about monitoring generator cycles and</p> <p>25 voltage. If the generators are not operating correctly,</p>
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<p>1 A. Absolutely.</p> <p>2 Q. Some of the other duties that were discussed were</p> <p>3 checking pressure gauges on heater barges, that's</p> <p>4 maintenance of the heaters that we talked about a little</p> <p>5 while ago?</p> <p>6 A. That's maintaining the heater, yes.</p> <p>7 Q. That's done to make sure the barge can still</p> <p>8 service and transport the cargo?</p> <p>9 A. Correct.</p> <p>10 Q. Is the same true for outgoing and ingoing</p> <p>11 temperatures as well?</p> <p>12 A. Yes.</p> <p>13 Q. Tell me a little bit about the safety</p> <p>14 considerations of what happens if the barge is not</p> <p>15 heated prior to the receipt of cargo at a different</p> <p>16 temperature?</p> <p>17 A. If we have a cold barge, the barge has not been</p> <p>18 preheated in any way, and they introduce cargo that can</p> <p>19 be 300 degrees into that barge, when the hot cargo goes</p> <p>20 into the barge, it can pop welds and it can twist the</p> <p>21 barge. What will happen is, is that cargo hits that</p> <p>22 barge so quickly that -- you know, the barge at such a</p> <p>23 different degree, that it can twist a barge and then pop</p> <p>24 welds, and it can ruin a barge.</p> <p>25 Q. When you say twist a barge, and a barge is the</p>	<p>1 what's the consequence of the barge?</p> <p>2 A. Potentially a fire on the barge.</p> <p>3 Q. If there's a fire on the barge, can the barge</p> <p>4 transport cargo?</p> <p>5 A. No.</p> <p>6 Q. Draining water on expansion tanks; what's the</p> <p>7 consequence if you don't drain water on expansion tanks?</p> <p>8 A. Expansion tank is where the thermal oil is</p> <p>9 located, and if there's water introduced into the</p> <p>10 system, you could explode one of the heater's lines. If</p> <p>11 you've got cargo inside the barge, you could have, you</p> <p>12 know, an explosion of product come up out of the barge.</p> <p>13 Q. If that happens, can the barge continue to serve</p> <p>14 as a means of transportation?</p> <p>15 A. No.</p> <p>16 Q. All of these duties we just discussed, checking</p> <p>17 pressure gauges, monitoring outgoing and ingoing</p> <p>18 temperatures, maintaining the heater systems,</p> <p>19 maintaining generator cycles and voltage, draining water</p> <p>20 in expansion tanks, which of those duties are only</p> <p>21 performed by tankermen?</p> <p>22 A. None of these duties.</p> <p>23 Q. Who else performs these duties?</p> <p>24 A. Deckhands, and boats that are equipped with</p> <p>25 engineers and tankermen trainees.</p>

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<p>1 Q. In other words, anybody other than a wheelman?</p> <p>2 A. A wheelman could, too.</p> <p>3 Q. Tell us a little bit about the general crew make</p> <p>4 upon a Blessey Marine unit.</p> <p>5 A. Well, depending on where the boat runs and</p> <p>6 depending on what size boat there is, a boat will always</p> <p>7 have typically -- and this is in case -- barring any</p> <p>8 emergencies -- two wheelman and two tankerman onboard at</p> <p>9 a minimum. Most of our boats keep a deckhand as well.</p> <p>10 A deckhand will work the call watch. The wheelman and</p> <p>11 the tankerman will be -- they will work a square watch,</p> <p>12 six hours on, six hours off watch. Some of the bigger</p> <p>13 boats have an engineer on them as well. And boats may</p> <p>14 also have a steersman on board, and a steersman is a guy</p> <p>15 training to become a wheelman.</p> <p>16 Q. Is there any duty that a tankerman has that a</p> <p>17 deckhand does not also have?</p> <p>18 A. Yes.</p> <p>19 Q. What duty?</p> <p>20 A. Loading and discharging the cargo.</p> <p>21 Q. Are you talking about the signing of the DOI, or</p> <p>22 are you talking about the entire loading process?</p> <p>23 A. Basically just signing the DOI, because a</p> <p>24 tankerman trainee or a deckhand can do any of the duties</p> <p>25 on the barge.</p>	<p>1 A. You do that in order to detect a problem. If the</p> <p>2 barge happened to be taking on water.</p> <p>3 Q. And so deckhands and tankermen can do that;</p> <p>4 right, if I heard you right?</p> <p>5 A. Yes.</p> <p>6 Q. Checking drafts, we talked about that a little</p> <p>7 bit, but that's a deckhand and tankerman duty?</p> <p>8 A. Yes.</p> <p>9 Q. Checking for lists?</p> <p>10 A. The deckhands help out with that as well.</p> <p>11 Q. In your experience, do the tankermen delegate</p> <p>12 many desks to deckhands?</p> <p>13 A. Yes.</p> <p>14 Q. For what purpose do they do that?</p> <p>15 A. The deckhands are there to help. A lot of times,</p> <p>16 the deckhands want to learn the tankerman role itself,</p> <p>17 so they're out there during a transfer asking questions</p> <p>18 and lending a hand, basically.</p> <p>19 Q. Well, in that vain, you're talking about opening</p> <p>20 and closing valves; do deckhands open and close valves?</p> <p>21 A. Yes.</p> <p>22 Q. Do deckhands operate the engines on the barges?</p> <p>23 A. Yes.</p> <p>24 Q. Is there anything on the barge that the deckhand</p> <p>25 doesn't operate?</p>
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<p>1 Q. Well, then let's talk about some of these duties</p> <p>2 during the transfer process that you discussed earlier.</p> <p>3 You said that while a transfer is taking place,</p> <p>4 somebody's monitoring the lines for the barge?</p> <p>5 A. Yes.</p> <p>6 Q. Who does that, deckhands or tankermen?</p> <p>7 A. Both.</p> <p>8 Q. And what's the purpose?</p> <p>9 A. In order to give slack or take slack up. I</p> <p>10 mean, you could -- if the barge has got too much slack</p> <p>11 in the lines and it's getting bounced up against the</p> <p>12 dock, a hole could be knocked in the barge, the dock</p> <p>13 could get damage to it. If all of the lines broke, the</p> <p>14 barge could get ripped away from the dock, then you</p> <p>15 would have a spill.</p> <p>16 Q. If any of those things happen, could the barge</p> <p>17 continue to transport cargo?</p> <p>18 A. No.</p> <p>19 Q. What about checking the vessel -- I can't read my</p> <p>20 handwriting. I think it says check vessel tanks.</p> <p>21 A. Void tanks.</p> <p>22 Q. Pardon me. Checking void tanks, who does that?</p> <p>23 A. Both tankermen and deckhands.</p> <p>24 Q. And if that's not done correctly, could the barge</p> <p>25 continue to transport cargo?</p>	<p>1 A. There isn't anything on the barge that a deckhand</p> <p>2 cannot operate.</p> <p>3 Q. So the only thing in the entire process that is</p> <p>4 specific to the tankermen is just the John Hancock</p> <p>5 signature on the DOI?</p> <p>6 A. That's correct.</p> <p>7 Q. What about monitoring product levels; is that</p> <p>8 something the deckhands can also do?</p> <p>9 A. Yes.</p> <p>10 Q. What about checking hatches for water?</p> <p>11 A. Yes.</p> <p>12 Q. Deckhands do that as well?</p> <p>13 A. Yes.</p> <p>14 Q. Making sure that you have the proper lighting or</p> <p>15 the flag?</p> <p>16 A. Yes.</p> <p>17 Q. Deckhands can do that?</p> <p>18 A. Yes.</p> <p>19 Q. What about ensuring the engines are in good shape</p> <p>20 and prepared for cargo transfer?</p> <p>21 A. They can do that, yes.</p> <p>22 Q. When you say "they," who are we talking about?</p> <p>23 A. Deckhands and tankermen.</p> <p>24 Q. Checking oil and oil levels; is that something</p> <p>25 deckhands can do?</p>

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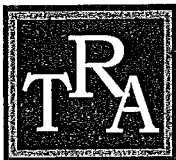
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<p>1 A. Yes.</p> <p>2 Q. And that's true on the boat and the barge?</p> <p>3 A. Yes.</p> <p>4 Q. What about on the boat; is there something on the</p> <p>5 boat that a deckhand would do that a tankerman would not</p> <p>6 do?</p> <p>7 A. No. Or vice versa.</p> <p>8 Q. Okay. So a tankerman is doing everything the</p> <p>9 deckhand is doing, plus he signs the DOI?</p> <p>10 A. Correct.</p> <p>11 Q. And that's the only difference?</p> <p>12 A. Yes.</p> <p>13 Q. What about the blowback time? We talked about</p> <p>14 how it was included in some of the calculations, but the</p> <p>15 process of this blowback, is that something that</p> <p>16 deckhands can do?</p> <p>17 A. Yes.</p> <p>18 Q. In your experience, is that something deckhands</p> <p>19 do?</p> <p>20 A. Yes.</p> <p>21 Q. I may have written this down incorrectly when you</p> <p>22 testified, so I apologize if I'm asking this again to</p> <p>23 something you've already testified to. In your</p> <p>24 experience at Blessey Marine, are your handwritten logs</p> <p>25 the same or different from what's on the electronic</p>	<p>1 tankerman to do H2S. Sometimes that's a customer</p> <p>2 requirement. Or anytime we have over 400 parts per</p> <p>3 million of H2S, we shut the transfer down and shore</p> <p>4 tankermen are called out to finish the transfer.</p> <p>5 Q. Let's talk a little bit more about the transfer</p> <p>6 itself, while the transfer is taking place. Are the</p> <p>7 tankermen expected to have any knowledge of the drafts</p> <p>8 to which the barges are to be loaded?</p> <p>9 A. Yes.</p> <p>10 Q. And why is that?</p> <p>11 A. Because that's one of the requirements if you're</p> <p>12 loading, you know what draft you're supposed to load to.</p> <p>13 It's going to depend -- it's going to greatly depend on</p> <p>14 what the barge's destination is.</p> <p>15 Q. We talked already about how draft can impact the</p> <p>16 ability of going in and out of certain inland waterways,</p> <p>17 but we haven't talked about if it has any relevance at</p> <p>18 all to build a tow; does it?</p> <p>19 A. It does. If the barges aren't -- for instance,</p> <p>20 if you're not doing an inner-harbor move, say, if you're</p> <p>21 doing something 30 minutes away, it really doesn't</p> <p>22 matter if the barges aren't going to match up perfectly;</p> <p>23 but if you're going to go for any length over an hour,</p> <p>24 the barges are going to need to match up, so the draft</p> <p>25 on the sterns of the barges need to be even and precise</p>
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<p>1 logs?</p> <p>2 A. The same.</p> <p>3 Q. If there were any differences at all, can you</p> <p>4 thing of any examples where that might occur, if there</p> <p>5 are any?</p> <p>6 A. No, I can't.</p> <p>7 Q. In your experience, are you aware of any</p> <p>8 situation where the handwritten log reflected</p> <p>9 information that was not in the electronic log?</p> <p>10 A. No.</p> <p>11 Q. What about vice versa; anything in the electronic</p> <p>12 log that's not in the handwritten log?</p> <p>13 A. No.</p> <p>14 Q. Tell me a little bit about the use of shore-based</p> <p>15 tankermen or a third-party tankerman, like through you</p> <p>16 or otherwise, why do you-all use shore-based tankermen?</p> <p>17 A. A couple of different reasons. One of the reason</p> <p>18 may be that the dock -- if we're loading or discharging</p> <p>19 breasted up or doubled up, side-by-side, the dock or</p> <p>20 depending on what port we're in or the customer will</p> <p>21 require a tankerman per barge, so what we'll do is,</p> <p>22 we'll contract an outside shore tankerman service to do</p> <p>23 one barge while our two tankerman will rotate on and off</p> <p>24 and do the other barge. And another instance would be</p> <p>25 if we have high H2S, they would call out a shore</p>	<p>1 in order to build a tow properly.</p> <p>2 Q. When you say "match up", what do you mean,</p> <p>3 though?</p> <p>4 A. Barges -- our barges have pins. They're called</p> <p>5 pin barges, and when the barges come together, if</p> <p>6 they're loaded to the same drafts, the pins will catch</p> <p>7 and make it easier to build the tow and you'll have a</p> <p>8 stronger unit.</p> <p>9 Q. What about matching barges to the tow boats; is</p> <p>10 there any benefit to making sure your drafts are at a</p> <p>11 certain level in that regard?</p> <p>12 A. Yes. If the barges aren't loaded level, it can</p> <p>13 adversely affect the performance of your tow.</p> <p>14 Q. When you say "performance", what do you mean?</p> <p>15 A. The ability to be able to push it through the</p> <p>16 water safely and efficiently.</p> <p>17 Q. So the actual movement of the barges?</p> <p>18 A. That's correct.</p> <p>19 Q. During the loading and the unloading process</p> <p>20 itself, what happens if a deckhand or a tankerman are</p> <p>21 not opening and closing the valves?</p> <p>22 A. We don't know. I mean, you know, if you're not</p> <p>23 monitoring the cargo levels and not opening or closing</p> <p>24 the valves and the product may -- you may load one</p> <p>25 tank -- if you loaded, one you could hog or sag the</p>

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<p>1 barge, you could break a barge in half, you could twist 2 a barge. 3 Q. Tell us a little bit about the structure of the 4 barge itself. I mean, is it just one empty unit, like a 5 bathtub? 6 A. No. Our barges are double hull barges. The 7 easiest way to explain it, it's a barge within a barge, 8 and each one of the tanks are segregated, so you'll 9 have -- the inner-barge structure, it may have four 10 tanks or, like I said, up to 12 tanks, but primarily, it 11 will have eight separate tanks. And the reason for 12 having a double hull is, if there was any kind of 13 penetration, it would flood one void tank, and product 14 wouldn't be released into the environment. 15 Q. And I think everybody in the room has seen 16 Titanic, and as we've seen in Titanic where they talk 17 about the gets into certain compartments, then the whole 18 Titanic will sink; is that the same concept here? 19 A. That's the same concept, yes. 20 Q. And if I go out there and I start to tank a barge 21 and I don't know what I'm doing and I put all of the 22 product in the three tanks at the rear of the barge, 23 what could happen? 24 A. If you put all of the product into the three 25 tanks in the rear, the barge would be -- you know, the</p>	<p>1 load separate cargoes in each of their tanks, so 2 depending on what the ship needed, the barges would be 3 heavy on the stern and their bows would be up in the air 4 and they pushed those barges like that for quite some 5 time and they broke two barges in half in the Houston 6 Ship Channel in the mid '90s. 7 Q. And this may seem obvious, but what's the 8 consequences if you break those barges? Do they have 9 the ability to move barges in and out anymore? 10 A. No. 11 Q. Can they transport cargo anymore? 12 A. No. 13 Q. Can those barges serve any purpose at all? 14 A. No. 15 Q. Let's talk about your expert conclusions for a 16 moment, and tell us -- I mean your declarations speak 17 for themselves. I'm not going to ask you to go back 18 over these; but before you signed the declarations, what 19 ended up in it, I want to understand a little bit about 20 that process a bit better. Did you just receive these 21 declarations out of the blue? 22 A. No. 23 Q. Did you have any idea they were coming? 24 A. Yes. 25 Q. Tell us a little bit about what your expectation</p>
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<p>1 bow of the barge would be up in the air and the stern 2 down in the water, you couldn't take it anywhere. 3 Q. Would it impact the ability of that barge to 4 serve as a means of transporting cargo? 5 A. Yes. 6 Q. Would it prevent it from being able to transport 7 cargo? 8 A. Yes. You would need to discharge back to the 9 dock before you took off from the dock. 10 Q. Could the boat tie up to a barge in that 11 condition and push it anywhere? 12 A. You may be able to push it on the dock, but you 13 wouldn't want to leave port with that. 14 Q. What would happen if you did? 15 A. You could potentially sink it. 16 Q. I think you talked about the boat that sank as a 17 consequence of hatches not being tightened; are you 18 aware of any situations where barges have sunk or 19 otherwise been damaged because of improper loading? 20 A. Yes. 21 Q. Can you tell us some examples that you can 22 recall? 23 A. Yeah. Actually, there's a bunkering company in 24 Houston, Buffalo Marine, they use to load their 25 barges -- they bunker ships primarily, so they would</p>	<p>1 was and how they turned from your thoughts onto the 2 paper that you were provided. 3 A. I analyzed each one of the tankermen's hours, I 4 submitted that analysis to Beau and a document was 5 created using my methodology and the analysis that I 6 came up with to put it all in one, basically 7 all-encompassing. I was asked to review it and there 8 were some changes that were made to each one of them, I 9 believe, and once the changes were made, they were 10 resubmitted to me, where I reviewed them again, printed 11 them off and signed off on them. 12 Q. Did you explain to Mr. Bethune what you were 13 doing, the analysis that you were performing? 14 A. Yes. 15 Q. So the contents of the declaration that explains 16 your analysis, is that accurate or inaccurate? 17 A. It's accurate. 18 Q. Let look at. I'm not going to go over all of the 19 assumptions, but let's look at one the exhibits and I'll 20 ask you how that played into your analysis. Let's look 21 at Exhibit 21, captain's log for the Dreama Klaiber. On 22 the second page of Exhibit 21 -- let me know when you've 23 got it. 24 A. Okay. 25 Q. The document is Bates labeled BM 008010, and it's</p>

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<p>1 also labeled, because these are your work papers, Grenon</p> <p>2 1152. Based on your review here -- and you can take a</p> <p>3 minute if you need to -- who performed the cargo</p> <p>4 transfer on the WEB 246?</p> <p>5 A. It would appear that a shore tankerman did.</p> <p>6 Q. Somebody with SGS, if I'm reading that correctly,</p> <p>7 that boarded at 0300?</p> <p>8 A. Right. Garian Josh with SGS, which is an outside</p> <p>9 tankerman service, boarded at 300. 3:05, there's a log</p> <p>10 entry that states, "Chevron says product has high H2S</p> <p>11 and that three tankerman are required."</p> <p>12 Q. And it looks like three shore-based tankermen</p> <p>13 came on to deal with it; right?</p> <p>14 MR. OBERTI:</p> <p>15 I'm going to object, leading.</p> <p>16 BY MR. GRIFFITH:</p> <p>17 Q. Well, let me ask it this way: How many tankerman</p> <p>18 boarded the vessel at 0300?</p> <p>19 A. Three tankermen with SGS.</p> <p>20 Q. What barge did the three tankermen tend to?</p> <p>21 A. 246 T.</p> <p>22 Q. And when did they start dealing with the 246 T.</p> <p>23 A. Well, they came on board at 0300, and at 0320,</p> <p>24 they started loading.</p> <p>25 Q. When did they finish loading the 246?</p>	<p>1 A. Yes.</p> <p>2 Q. Which one got credit?</p> <p>3 A. Both.</p> <p>4 Q. So both of them got credit for a transfer we know</p> <p>5 neither one of them handled?</p> <p>6 A. That's correct.</p> <p>7 Q. And any of the work that would have lead up to</p> <p>8 this, whether it's a Barge Readiness Checklist, checking</p> <p>9 voids or otherwise, I see that there's a deckhand on</p> <p>10 this particular boat?</p> <p>11 A. Yes. The Dreama primarily runs with a four-man</p> <p>12 deck crew.</p> <p>13 Q. What boat was Keith Coffin primarily assigned to;</p> <p>14 do you recall?</p> <p>15 A. The Laura Ann Blessey primarily.</p> <p>16 Q. What runs was the Laura Ann making during the</p> <p>17 time that Keith Coffin was assigned to it primarily, if</p> <p>18 you recall?</p> <p>19 A. Maybe on the river. I believe they ran up north</p> <p>20 up to Joliet, which is in the Chicago area.</p> <p>21 Q. And I think we heard earlier in your testimony</p> <p>22 that it's about a two-week run?</p> <p>23 A. Yes.</p> <p>24 Q. Assuming the locks are available when you pull up</p> <p>25 to them?</p>
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<p>1 A. 0705.</p> <p>2 Q. Did they get off at that point?</p> <p>3 A. I don't show an off time.</p> <p>4 Q. Well, what's the next activity with any barge?</p> <p>5 A. They took the hose off of the 246 T and they</p> <p>6 shifted the 246 T and the 258.</p> <p>7 Q. And what does it mean when they said, "0740,</p> <p>8 spotting WEB 258"?</p> <p>9 A. It means that the WEB 258 is being spotted to get</p> <p>10 it ready to load.</p> <p>11 Q. What does the term "spotted" mean, being spotted?</p> <p>12 A. They would line the pipeline of the barge up with</p> <p>13 the pipeline or hose or loading arm on the dock.</p> <p>14 Q. What happened to the 258 after that?</p> <p>15 A. The hose was put on and they started to load it.</p> <p>16 Q. And when did the loading end on 258?</p> <p>17 A. At 12:10 that afternoon.</p> <p>18 Q. When did the tankermen from SGS get off?</p> <p>19 A. There's an line entry, "Tankermen off at 12:30."</p> <p>20 Q. So based on your analysis of this log, is there</p> <p>21 any possibility that Cody Duke or Josh Fox actually</p> <p>22 performed any tanking duties on June 6th, 2009?</p> <p>23 A. No.</p> <p>24 Q. In your analysis, did Cody Duke or Josh Fox</p> <p>25 receive credit for tanking duties on June 6th, 2009?</p>	<p>1 A. Yes.</p> <p>2 Q. So is it possible that Keith Coffin would have</p> <p>3 spent 20 percent of his time loading and unloading</p> <p>4 barges while he was on the Laura Ann, even without</p> <p>5 analyzing captains' logs?</p> <p>6 A. No.</p> <p>7 Q. If it takes two weeks to get up there and you do</p> <p>8 a transfer and two weeks to get back, there's no way you</p> <p>9 could spend 20 percent of your time doing tanking?</p> <p>10 A. Correct.</p> <p>11 Q. In your analysis, the percentage conclusions that</p> <p>12 you reached -- and it will just probably be easier if I</p> <p>13 just look at one. Let's look at Exhibit 3. Let's talk</p> <p>14 about Cody Duke, just as an example, because I have to</p> <p>15 open up to him. Paragraph 23.</p> <p>16 A. What page is that on?</p> <p>17 Q. It's on page 7.</p> <p>18 Do you see the conclusion for Mr. Duke on page 7,</p> <p>19 paragraph 23?</p> <p>20 A. Yes.</p> <p>21 Q. Is the conclusion that he did spend 13.08 percent</p> <p>22 of his time tankering barges, or is that the maximum</p> <p>23 amount of time?</p> <p>24 A. No. That is the maximum amount of time that</p> <p>25 could have been spent on the front watch tanking barges.</p>

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<p>1 Q. So the question we had earlier where Mr. Oberti 2 spent some time running through the written notations on 3 the captains' logs, and I don't have all of the Cody 4 Duke work papers in front of me, but there are numbers 5 like that on all of those logs; is that fair? 6 A. Yes. 7 Q. And you took those and turned them into the other 8 handwritten notes that were provided; is that right? 9 A. That is correct. 10 Q. As you were doing that, were you rounding numbers 11 up or down? 12 A. I always rounded up. 13 Q. For what reason? 14 A. To give the tankermen the benefit of the doubt. 15 Q. In every instance? 16 A. Every instance. 17 Q. Some of the activities that we talked about 18 earlier during cargo transfers, whether it's filling out 19 paperwork, attending to lines, monitoring different 20 things, in your experience, do dockside personnel ever 21 handle any of those things? 22 A. No. 23 Q. What about attaching hoses? 24 A. Yes, some docks specifically have hose gangs that 25 will come hook up the hose for you.</p>	<p>1 captains' logs from the time that Jose Rangel was on the 2 Charles Clark, and I think you testified in your earlier 3 testimony, or at least asked a question, I can't really 4 recall the answer, and you were asked a question about 5 how could you know if there are transfers not reflected 6 in the captains' logs if they're not in the captains' 7 logs. And, I guess, my question to you is, looking at 8 this log as an example, is there any particular time 9 period in which the Charles Clark could have left the 10 WEB 161 and WEB 162, gone and picked up other barges, 11 taken them somewhere else, performed a transfer and then 12 come back and picked up the 161 and 162? 13 A. No. That would be impossible. 14 Q. Why? 15 A. First off, we can never leave red-flagged barge 16 unattended, so you wouldn't leave it unattended at 17 Motiva Port Arthur. Also, there's no time period -- 18 there's no time period where there's a period of time 19 where they weren't shifting barges or loading barges 20 that they could have done it. And another instance is 21 that in Port Arthur, where Motiva Port Arthur is, the 22 closest fleeting area is about three hours away, so 23 there's no other barges there. 24 Q. And let's just set aside this captain's log for a 25 second. Just as a practical matter, is there any</p>
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<p>1 Q. And so in the logs where it says "hose on," that 2 doesn't mean a Blessey marine tankerman did anything; is 3 that right? 4 A. No, it doesn't indicate. A shore tankermen could 5 be out there hooking up the hose. It could be a hose 6 gang. 7 Q. And if there's no hose gang or a shore tankerman, 8 we know a Blessey Marine employee did it, that still 9 doesn't mean a Blessey Marine tankerman did it; right? 10 A. No. 11 Q. It could have been who else? 12 A. It could have been the captain, could have been 13 any of the wheelmen, could have been a deckhand 14 tankermen trainee. 15 Q. Is there anything that a tankerman trainee can do 16 that a deckhand can't do? 17 A. No. 18 Q. So is there any difference at all between a 19 deckhand and a tankerman trainee? 20 A. A pay grade. 21 Q. So they get paid a little bit more? 22 A. Yes. 23 Q. Do they get paid as much as tankerman? 24 A. No. 25 Q. Look at Exhibit 22. These are one of the</p>	<p>1 instance that you're aware as director of operations 2 where a crew might get pulled off of the Charles Clark 3 to go do a job to work for some other boat and it not 4 get reported? 5 A. No. 6 Q. Why is that? 7 A. For revenue purposes, for payroll purposes, if we 8 would pull a man off of a boat, he would be paid under a 9 different boat. 10 Q. And what about practically, what would a Captain 11 Garrett do if you took Jose Rangel and James Vick off 12 the boat? 13 A. There's -- every crew member has duties that 14 are -- that should be done every day. The captain has 15 got -- he has responsibilities to their port captains in 16 order to maintain the boat and the barges, and if he 17 doesn't have a crew, then he can't maintain his 18 equipment, so, you know, quite frankly, the captain 19 would be raising a stink with the office if we pulled 20 his crew. 21 Q. I'll ask you to flip to Exhibit 5, please. 22 Paragraph 27, which is on page 7, in response to the 23 assertions by Mr. Akins, did you review any captains' 24 logs? 25 A. I did.</p>

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<p>1 Q. And what did you learn?</p> <p>2 A. I learned that Dustin Akins wasn't on the David</p> <p>3 Vitter for a certain period of time. He was actually</p> <p>4 pulled off of that boat, went to a new boat that was in</p> <p>5 the shipyard. They were getting ready to depart the</p> <p>6 shipyard for its maiden voyage. Also, there was an</p> <p>7 instance here -- I can't remember the exact specifics of</p> <p>8 it -- where he said he was on one boat and had done some</p> <p>9 transfers and the boat was actually -- he said the boat</p> <p>10 was basically in the river, and they were actually in</p> <p>11 Houston, so the days and the port don't match up.</p> <p>12 Q. What about his allegations in the third to last</p> <p>13 sentence about picking up the WEB 190 H on April 29th</p> <p>14 and taking it to Stolt; did you find anything in your</p> <p>15 investigation about that?</p> <p>16 A. I did -- the 190 H was moved around that -- the</p> <p>17 190 H was moved around that time, and it wasn't to</p> <p>18 Stolt. It was actually to Chocolate Bayou, and it</p> <p>19 wasn't -- I think he has it on here that it was the</p> <p>20 David Vitter, but it was actually the Jack Green. So he</p> <p>21 was on the Jack Green at the time; but he's off a couple</p> <p>22 of days, I think, and the electronic logs confirmed that</p> <p>23 the 190 H was being moved by the Captain Jack Green.</p> <p>24 Q. When you say the logs, other than the electronic</p> <p>25 logs, what documents did you review for this</p>	<p>1 temperatures of the cargo, pump RPMs and pressures, fuel</p> <p>2 levels, crew members on board.</p> <p>3 Q. How often do your tankerman get called back when</p> <p>4 you're off duty -- or I didn't ask that very well. Let</p> <p>5 me ask it a different way.</p> <p>6 In your experience, how often do tankermen that</p> <p>7 are not on a hitch get called back to perform any type</p> <p>8 of work as a shore-based tankerman, as Mr. Oberti</p> <p>9 characterized it?</p> <p>10 A. At most, once a month.</p> <p>11 Q. When you say at most, once a month, you're</p> <p>12 talking about each tankerman gets called back once a</p> <p>13 month?</p> <p>14 A. No. We may have one occurrence a month.</p> <p>15 Q. And that's system-wide?</p> <p>16 A. Yeah, system-wide. And the way that works, it's</p> <p>17 basically an incentive for the tankerman, if the wanted</p> <p>18 to do a transfer on their days off and they live either</p> <p>19 in or close to a port we frequent, they can call us up</p> <p>20 and basically, you know, put their name in the hat to be</p> <p>21 call if there's a transfer, and if they want to do it,</p> <p>22 then we allow them to do it, and if not, we just call</p> <p>23 out a shore tankerman.</p> <p>24 Q. Do you have any barges in Blessey Marine's fleet</p> <p>25 that are not subject to sinking?</p>
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<p>1 investigation?</p> <p>2 A. Just the electronic logs.</p> <p>3 Q. So the transfer he's talking about was in the</p> <p>4 electronic logs?</p> <p>5 A. Yes.</p> <p>6 Q. So it's part of your analysis?</p> <p>7 A. Yes.</p> <p>8 Q. Did you do any more advanced than calculus to</p> <p>9 perform your analysis?</p> <p>10 A. No. Thank goodness.</p> <p>11 Q. What math skills were required to come up with</p> <p>12 your percentages?</p> <p>13 A. Simple addition, multiplication, division.</p> <p>14 Q. And I know we talked about the fact that you have</p> <p>15 not performed an analysis exactly like this before, but</p> <p>16 as part of your regular duties as director of</p> <p>17 operations, how often do you look at captains' logs?</p> <p>18 A. Every day.</p> <p>19 Q. For what purposes do you look at those?</p> <p>20 A. We look at them for accuracy, we look at them for</p> <p>21 completeness, we look at them for -- look at the</p> <p>22 performance of the boat, to make sure that they're</p> <p>23 performing well, that they're making miles. We'll</p> <p>24 review the trips that are coming up, the trips that</p> <p>25 they're on, look at the delivery temperatures, the</p>	<p>1 A. No.</p> <p>2 Q. What about any that are not subject to hogging?</p> <p>3 A. Yeah. Our pressure barges wouldn't be subjected</p> <p>4 to hogging because there's only one tank.</p> <p>5 Longitudinally there's just one tank, so it fills up</p> <p>6 level.</p> <p>7 Q. I think you said there are six barges?</p> <p>8 A. Yes.</p> <p>9 Q. So there are over 100 non-pressure barges?</p> <p>10 A. Correct.</p> <p>11 Q. All of the these are subject to hogging or</p> <p>12 sagging?</p> <p>13 A. Yes.</p> <p>14 Q. When Mr. Oberti was asking you questions, he</p> <p>15 asked you that if you added extra time to the numerator</p> <p>16 of the fraction, the percentages would go up; do you</p> <p>17 recall that?</p> <p>18 A. Yes.</p> <p>19 Q. And I think you would agreed that if you add</p> <p>20 extra time, the percentages would go up?</p> <p>21 A. Correct.</p> <p>22 Q. What would happen if you were to deduct time from</p> <p>23 the numerator; would the percentages go down?</p> <p>24 A. Yes.</p> <p>25 Q. If we had actually followed around Cody Duke and</p>

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<p>1 Josh Fox and taken a stopwatch to see when they were 2 actually performing tanking duties and not giving them 3 credit for these days that we know they didn't do it, 4 would those percentages be lower or higher than you your 5 conclusions were? 6 A. They would be lower. 7 Q. How much lower would you speculate? 8 A. Few percent points, single digits probably. 9 Q. We also heard a lot about ghost transfers in some 10 of the other testimony and seen it in some of these -- 11 "ghost transfers," I've used that term, and I think 12 "under the radar" are the terms used in here. If you 13 include the allegations about, quote, "under the radar 14 transfers" that these folks talk about, does that give 15 any of these individuals over 20 percent? 16 A. No. 17 MR. GRIFFITH: 18 I don't have anything else. 19 MR. OBERTI: 20 All right. A few follow-up questions, 21 Mr. Grenon. 22 THE WITNESS: 23 Sure. 24 RE-EXAMINATION BY MR. OBERTI: 25 Q. Just so it's clear of what happened, when I</p>	<p>1 Q. Okay. And do you know how many do? 2 A. All of our barges, except six. There are six 3 pressures barges that don't have an engine on them. 4 Q. Okay. And the ones that do have engines, what's 5 the purpose of the engine? 6 A. The engine either runs a pump or runs a 7 generator. 8 Q. Okay. 9 A. Depending on what barge it's on. 10 Q. What's the purpose of the pump if it runs a pump? 11 A. The engine spins a PTO, a power takeoff unit, 12 which spins a pump. It will either be a centrifugal 13 pump or a gear pump. 14 Q. And what's the purpose of a centrifugal or gear 15 pump? 16 A. To discharge product. 17 Q. And then the other thing that an engine might do 18 if not power a pump would be to power a generator? 19 A. Correct. 20 Q. And what's the purpose of a generator on a barge? 21 A. The generator powers the alarm panel system. 22 You'll only find an engine that powers a generator on a 23 black oil barge, and it powers the alarm panel for the 24 heater system and it also powers the fuel pump for the 25 heater system.</p>
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<p>1 finished my questioning of you and then we took a break, 2 and during the break -- don't tell me anything you said, 3 but you talked to Mr. Griffith during the break; 4 correct? 5 A. Yes. 6 Q. And then we came back and he asked you a series 7 of questions, naturally. Now, I just want to be clear, 8 you're not retracting the veracity and truthfulness of 9 anything you swore to under oath and under my 10 questioning earlier today; are you? 11 A. No, not at all. 12 Q. Okay. And in regards to Topic Number 2 that you 13 were designated to testify regarding in the notice, 14 which was the day-to-day job duties of the tankerman 15 employed by Blessey -- 16 A. Yes. 17 Q. -- that are the plaintiffs in this lawsuit from 18 January 17th, 2009 to present, I think it's accurate to 19 say, but I just want to be clear, that the only thing 20 you did in order to prepare for that testimony is review 21 the captains' logs? 22 A. That's correct. 23 Q. Okay. Now, do all barges at Blessey have 24 engines? 25 A. No.</p>	<p>1 Q. Okay. And so it sounds it me like, is it 2 accurate to say that there's more Blessey barges with 3 pumps on them than generators on them? 4 A. Yes. 5 Q. And the generator, you said, has two things: 6 Number one, it powers the alarm system on the heaters? 7 A. Correct. 8 Q. What's the purpose of the alarm system? 9 A. Okay. On a heater barge, there's an alarm 10 system, and it will alarm if there's low fuel pressure, 11 high fuel pressure. If it's set at a certain 12 temperature, the fire goes out, it will alarm, and 13 there's an audible alarm and a visual alarm on the 14 barge. 15 Q. So is the purpose of the alarm to -- or a 16 purpose, anyway, to ensure that the customer's fuel is 17 always being heated at the proper temperature? 18 MR. GRIFFITH: 19 Object to the form. 20 THE WITNESS: 21 What the alarm will do is, if the boat's 22 underway and -- there's an alarm or visible light, so if 23 the barge -- if the boat is underway and there's nobody 24 out on the barges and the heater goes down, a light will 25 start flashing, and the captain can notify the rest of</p>

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<p>1 the crew and they can go out there and troubleshoot the</p> <p>2 problem.</p> <p>3 BY MR. OBERTI:</p> <p>4 Q. The problem would be, if the alarm goes off, that</p> <p>5 the heater is not heating the product to the proper</p> <p>6 temperature or at all?</p> <p>7 A. Something has happened to cause an alarm to go</p> <p>8 off. It may be still heating, but it may be the fuel</p> <p>9 pressure is not at the correct level.</p> <p>10 Q. Okay. It's something to do with the fact that</p> <p>11 the heater is not treating the product properly?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And then the other thing that an engine</p> <p>14 might do when it's powering a generator is -- there was</p> <p>15 two things: One was the alarm system on the heater, and</p> <p>16 then what was the second thing?</p> <p>17 A. To run the fuel pump on the heater system.</p> <p>18 Q. And what's the purpose of a fuel pump on the</p> <p>19 heater system?</p> <p>20 A. It pumps diesel fuel through a nozzle, which is</p> <p>21 ignited and that heats the thermal heater coils that are</p> <p>22 on a boiler system and it gets pumped throughout the</p> <p>23 barge.</p> <p>24 Q. Okay. And the reason that it's important that</p> <p>25 the barge be heated properly is, once again, to maintain</p>	<p>1 to go through.</p> <p>2 Q. And it says you're supposed to go through before,</p> <p>3 it says, "each loading or discharging"?</p> <p>4 A. That's correct.</p> <p>5 Q. And it doesn't say that they're supposed to go</p> <p>6 through it every time a tow boat leaves a dock with a</p> <p>7 barge; right?</p> <p>8 A. No. It says "prior to each loading or</p> <p>9 discharging."</p> <p>10 Q. Yes. And so from that, would you agree with me</p> <p>11 that it's reasonable to infer that the items on the</p> <p>12 checklist are important because they're important to the</p> <p>13 safe and proper loading or discharging?</p> <p>14 MR. GRIFFITH:</p> <p>15 Object to the form.</p> <p>16 THE WITNESS:</p> <p>17 That's correct.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. Okay. Now, can a heater barge be navigable with</p> <p>20 a broken heater?</p> <p>21 MR. GRIFFITH:</p> <p>22 Object to the form.</p> <p>23 THE WITNESS:</p> <p>24 It depends. It depends. If the barge</p> <p>25 was going to go to, say, Joliet and we planned on that</p>
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<p>1 the proper temperature of the fuel -- I mean, not the</p> <p>2 fuel, but proper temperature on the product?</p> <p>3 MR. GRIFFITH:</p> <p>4 Object to the form.</p> <p>5 THE WITNESS:</p> <p>6 Of the product, yes.</p> <p>7 BY MR. OBERTI:</p> <p>8 Q. And Exhibit Number 24, which is the Barge</p> <p>9 Readiness Checklist we looked at before, I guess, are</p> <p>10 you saying that -- well, you're kind of speculating that</p> <p>11 even though Blessey requires that this be done, people</p> <p>12 blow it off on a regular basis?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And is that speculation, or is it what you</p> <p>15 did when you were a tankerman?</p> <p>16 A. That's speculation.</p> <p>17 Q. Okay. And do you know who actually created this</p> <p>18 form?</p> <p>19 A. No, I do not.</p> <p>20 Q. I guess you didn't?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Well, is there -- even if people blow it</p> <p>23 off, is it something that is a checklist that they're</p> <p>24 supposed to go through, even if not in writing?</p> <p>25 A. Yes. There's a checklist that they're supposed</p>	<p>1 barge and the customer planned on that barge loading</p> <p>2 asphalt and the heater didn't work, we couldn't send it</p> <p>3 to Joliet, we couldn't send it to Chicago. We would</p> <p>4 need to get it repaired before we sent it.</p> <p>5 Q. You couldn't send it because it wouldn't be</p> <p>6 capable of carrying the product the customer wanted;</p> <p>7 correct?</p> <p>8 A. That's correct.</p> <p>9 Q. But you could still attach it to the tow boat and</p> <p>10 run it up to Joliet; right?</p> <p>11 A. Yes.</p> <p>12 Q. And do you put anything in a heater barge, other</p> <p>13 than a product that requires heating?</p> <p>14 A. Yes. Sometimes the product is a light enough</p> <p>15 product that it doesn't require to be heated.</p> <p>16 Q. So it's in heater barge, but you're not actually</p> <p>17 using the heating functionality of the barge?</p> <p>18 A. That's correct.</p> <p>19 Q. All of the parade of horrors that could occur</p> <p>20 of improper loading or maintenance of a barge that you</p> <p>21 and Mr. Griffith talked about at length, to our</p> <p>22 knowledge at Blessey, thank God so far they have not, in</p> <p>23 fact, occurred; correct?</p> <p>24 A. No. We have had problems with water getting into</p> <p>25 the heater systems.</p>

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<p>1 Q. Sure. And what happened there?</p> <p>2 A. Asphalt blew out of the tank and got on one of</p> <p>3 the crew members.</p> <p>4 Q. And then what happened?</p> <p>5 A. He got sent to the hospital.</p> <p>6 Q. Okay. And were you still able to navigate the</p> <p>7 tow boat and the barge?</p> <p>8 MR. GRIFFITH:</p> <p>9 Object to the form.</p> <p>10 THE WITNESS:</p> <p>11 Not until we had the barge fixed.</p> <p>12 BY MR. OBERTI:</p> <p>13 Q. Well, how did you get it to dock to fix it?</p> <p>14 A. Coast Guard issues an 835 -- anytime there's</p> <p>15 an -- I'm not sure if they had to issue an 835 on this,</p> <p>16 but anytime there's a problem on the barge, whether it's</p> <p>17 a structural problem or a hole in the barge or water in</p> <p>18 the tanks, the Coast Guard most of the time will come</p> <p>19 out and inspect the barge for its seaworthiness and</p> <p>20 determine whether or not the problem is so bad that they</p> <p>21 can't move the barge off the dock. They'll issue what's</p> <p>22 called an 835, and that's basically a temporary permit</p> <p>23 to proceed and the only reason it's for is to go and</p> <p>24 have the barge repaired.</p> <p>25 Q. So in the answer you're describing, you're not</p>	<p>1 Q. Okay. You would agree me that whether a</p> <p>2 tankerman does it or not, there's a lot of tasks done at</p> <p>3 Blessey by somebody, could be a tankerman, could be a</p> <p>4 deckhand, could be somebody else to ensure that</p> <p>5 Blessey's barges are capable of discharging or loading</p> <p>6 product properly; correct?</p> <p>7 MR. GRIFFITH:</p> <p>8 Object to the form.</p> <p>9 THE WITNESS:</p> <p>10 That's correct.</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. Okay. And in your analysis, you assumed that</p> <p>13 every single cargo transfer that occurred was done by a</p> <p>14 tankerman; correct?</p> <p>15 A. Correct. That's correct.</p> <p>16 Q. Do you think that's a reasonable assumption, or</p> <p>17 is that just a crazy assumption?</p> <p>18 A. That's a reasonable assumption.</p> <p>19 Q. Now, when a tankerman is -- does Blessey ever</p> <p>20 have multiple tow boats in the same dock?</p> <p>21 A. At times, yes.</p> <p>22 Q. And do you know, has Blessey ever had a situation</p> <p>23 where, you know, maybe one vessel is on standby and</p> <p>24 another vessel needs tankermen, so they share the</p> <p>25 tankerman, send him over to another vessel; do you know</p>
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<p>1 sure if the Coast Guard issued an 835 or not?</p> <p>2 A. I don't remember.</p> <p>3 Q. If they didn't -- well, do you know if this</p> <p>4 occurred out in the middle of the river somewhere or on</p> <p>5 dock?</p> <p>6 A. It happened on the dock.</p> <p>7 Q. Okay. So I imagine since it happened on the</p> <p>8 dock, the barge just stayed on the dock?</p> <p>9 A. That would be speculation on my part.</p> <p>10 Q. Okay. For example, you mentioned a broken barge,</p> <p>11 hypothetical to there -- I think it wasn't a</p> <p>12 hypothetical. You said in the 1990s some other company</p> <p>13 had a broken barge?</p> <p>14 A. Yes.</p> <p>15 Q. How do you know about that? Just generally</p> <p>16 through gossip?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know how those broken pieces of the barge</p> <p>19 got back to the dock?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay.</p> <p>22 A. It sank.</p> <p>23 Q. Are they still out there in the river somewhere,</p> <p>24 in the river bed?</p> <p>25 A. I would imagine they salvaged the barge.</p>	<p>1 if that occurs?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Is there any rule against it?</p> <p>4 A. No.</p> <p>5 Q. Now, are tankermen -- when you were a tankerman,</p> <p>6 were you familiar with captains' logs?</p> <p>7 A. Yes.</p> <p>8 Q. How so?</p> <p>9 A. I knew that they were filled out -- I knew that</p> <p>10 as a tankerman, I had to take down certain information</p> <p>11 and relay it to the captain so he could put it in a log</p> <p>12 book.</p> <p>13 Q. Okay. Had you seen them before, captains' logs?</p> <p>14 A. Yes.</p> <p>15 Q. Exactly what are you an expert on?</p> <p>16 MR. GRIFFITH:</p> <p>17 Object to the form. I don't think you</p> <p>18 have to -- I'm not sure that question is capable of</p> <p>19 answering.</p> <p>20 BY MR. OBERTI:</p> <p>21 Q. Well, I know you're being tendered, as I</p> <p>22 understand it, in some way as some sort of expert, so</p> <p>23 I'm trying to understand what your expertise might be.</p> <p>24 MR. GRIFFITH:</p> <p>25 We tendered him as an expert. He didn't</p>

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<p>1 tender himself as an expert. I can answer the question 2 if you want. 3 MR. OBERTI: 4 No. I want to know if he knows. 5 MR. GRIFFITH: 6 Are you asking him what the legal impact 7 is of being designated as an expert? 8 MR. OBERTI: 9 No. I want to know if he knows what his 10 area of purported subject or subjects -- 11 MR. GRIFFITH: 12 I think it's expressed in these 13 declarations. 14 MR. OBERTI: 15 Okay. If it's expressed and he signed 16 the declaration, then he ought to be able to tell me. 17 MR. GRIFFITH: 18 All right. Let's flip to Exhibit 3 and 19 we'll let him read it for to you. 20 MR. OBERTI: 21 All right. Whatever you need to do. 22 THE WITNESS: 23 I can read it to you. 24 BY MR. OBERTI: 25 Q. So you don't know what you're an expert in</p>	<p>1 No, I haven't seen it. 2 BY MR. OBERTI: 3 Q. Do you know what the subject matter is? 4 A. Yes. 5 Q. What? 6 A. The subject matter is... 7 Q. The percentage of time these fellows spent on 8 cargo transfers? 9 A. No. That, in addition to other things. 10 Q. What else? 11 A. As to whether or not the tankermen are seamen. 12 Q. Under the Fair Labor Standards Act? 13 A. Yes. 14 Q. Okay. Anything else? 15 A. No. 16 Q. Okay. As far as somebody's ability to do the 17 same analysis you did regarding what percentage of their 18 working time was spent on cargo transfers, anybody who 19 is familiar with captains' logs can do the same thing 20 you did; right? 21 MR. GRIFFITH: 22 Object it the form. 23 THE WITNESS: 24 Yes. 25 BY MR. OBERTI:</p>
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<p>1 without reading it? 2 MR. GRIFFITH: 3 Objection to the form. 4 BY MR. OBERTI: 5 Q. Right? 6 A. (No response). 7 Q. Right? 8 MR. GRIFFITH: 9 I mean, so the question is, does he know 10 what I have disclosed in the court filings that I've 11 sent to you about what his area of expertise is; is that 12 the question? 13 MR. OBERTI: 14 Well, the question is, what is he a 15 purported expert in for purposes of this case? 16 MR. GRIFFITH: 17 I don't think it's -- I mean, you can 18 ask him if he knows what I have put in the expert 19 disclosure. 20 BY MR. OBERTI: 21 Q. Do you know what Mr. Griffith put in the expert 22 disclosure in this case alleging you as an expert in? 23 MR. GRIFFITH: 24 It's a document that you haven't seen. 25 THE WITNESS:</p>	<p>1 Q. And as a matter of fact -- let me ask you this: 2 Did you think that by having a higher percentage of time 3 of each claimant being considered time spent on cargo 4 transfers, that would be better or worse for Blessey 5 Marine, prior to May 29th, 2012? 6 MR. GRIFFITH: 7 Object to the form. 8 THE WITNESS: 9 I didn't care. I strictly did an 10 analysis. 11 BY MR. OBERTI: 12 Q. Okay. Why did you include blowback time as a 13 cargo transfer time in your analysis? 14 A. When it was logged, I included it. 15 Q. Why? 16 A. Because the hose was hooked up. It was part 17 of -- to me, it's a part of the transfer. They're still 18 blowing product that is inside of the barge down through 19 the pipeline. 20 Q. Okay. But they're not transferring product for a 21 customer; correct? 22 A. No, but we're still using their dock, so we're 23 still tying up their dock. We're still tying up their 24 dock. It's logged, and sometimes it could take a number 25 of hours to complete it, so I included it.</p>

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<p>1 Q. Okay. Why did you include the DOI signoff or</p> <p>2 inspection time in your analysis as cargo transfer time?</p> <p>3 MR. GRIFFITH:</p> <p>4 Object to the form.</p> <p>5 THE WITNESS:</p> <p>6 Because that's the one thing that a</p> <p>7 tankerman can do that nobody else can do.</p> <p>8 BY MR. OBERTI:</p> <p>9 Q. Okay. And I think we've established that your</p> <p>10 position is that there's lots of different activities</p> <p>11 that a deckhand can do or a tankerman can do or even</p> <p>12 somebody else can do; correct?</p> <p>13 A. That's correct.</p> <p>14 Q. So as to the actual reality factually of what</p> <p>15 actually occurred on any of the claimants' vessels and</p> <p>16 who did what, all you know is what's based on the</p> <p>17 captains' logs?</p> <p>18 A. That's correct.</p> <p>19 Q. And by your own admission, there's plenty of</p> <p>20 things that we know get done, but are not reflected in</p> <p>21 those captains' logs; correct?</p> <p>22 MR. GRIFFITH:</p> <p>23 Object to the form.</p> <p>24 THE WITNESS:</p> <p>25 Not everything that gets done on the</p>	<p>1 company is compliant with the Fair Labor Standards Act in</p> <p>2 any respect?</p> <p>3 MR. GRIFFITH:</p> <p>4 Object to the form.</p> <p>5 THE WITNESS:</p> <p>6 At times, yes.</p> <p>7 BY MR. OBERTI:</p> <p>8 Q. Specific to the tankermen?</p> <p>9 A. Not that.</p> <p>10 Q. All right.</p> <p>11 MR. OBERTI:</p> <p>12 All right. Thank you. Pass the</p> <p>13 witnesses.</p> <p>14 RE-EXAMINATION BY MR. GRIFFITH:</p> <p>15 Q. Mr. Grenon, how many directors of operations does</p> <p>16 Blessey Marine have?</p> <p>17 A. One.</p> <p>18 Q. And I know we talked a little bit about it</p> <p>19 earlier, but tell us what your duties are as director of</p> <p>20 operations.</p> <p>21 A. I oversee the operations department and the</p> <p>22 personnel department, primarily. That simplifies things</p> <p>23 really, but what we do is, on a daily basis, we ensure</p> <p>24 that the right boats with the right crews are going to</p> <p>25 the right destinations. If there is a customer</p>
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<p>1 boat is reflected in the captains' logs.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. Okay. And has your methodology ever been peer</p> <p>4 reviewed?</p> <p>5 A. No.</p> <p>6 Q. And have you ever given an expert testimony</p> <p>7 before?</p> <p>8 A. No, I haven't.</p> <p>9 Q. Did you even know until today that you were being</p> <p>10 tendered as an expert in this case?</p> <p>11 A. Yes.</p> <p>12 Q. When did you find that out?</p> <p>13 A. I'm not sure, but I've known for some time.</p> <p>14 Q. Okay. And once again, the two areas of your</p> <p>15 expert testimony, to your knowledge anyway, is what</p> <p>16 percentage of working time the claimants spent on cargo</p> <p>17 transfers, and, two, whether they're seamen under the</p> <p>18 Fair Labor Standards Act?</p> <p>19 A. Right. And I'm an expert in this industry. I've</p> <p>20 been in the industry for 18 years.</p> <p>21 Q. Sure. And have you all ever been sued under the</p> <p>22 Fair Labor Standards Act before?</p> <p>23 A. I don't know.</p> <p>24 Q. And have you ever, even up until today,</p> <p>25 undertaken any effort yourself to ensure that the</p>	<p>1 complaint, we work with the marketing department to work</p> <p>2 with the crews to ensure that we correct any problem.</p> <p>3 If there's a situation -- if a boat's underperforming,</p> <p>4 we try to mentor the crew to get them up to the</p> <p>5 customer's standards.</p> <p>6 Q. You said earlier that you review captains' logs</p> <p>7 on a daily basis?</p> <p>8 A. Yes.</p> <p>9 Q. Do you review captains' logs for only a portion</p> <p>10 of the fleet or all captains' logs?</p> <p>11 A. All captains' logs.</p> <p>12 Q. You may not look at a log for every vessel every</p> <p>13 single day, but you have authority over all of the</p> <p>14 vessels; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. How many port captains does Blessey Marine</p> <p>17 employ?</p> <p>18 A. Six.</p> <p>19 Q. And are there any of the vessels within Blessey</p> <p>20 Marine's fleet outside the scope of authority of port</p> <p>21 captains?</p> <p>22 A. I beg your pardon?</p> <p>23 Q. Let me ask it a different way: Who reports to</p> <p>24 the port captains?</p> <p>25 A. The vessel captains and the vessel crews.</p>

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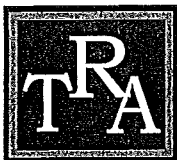
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<p>1 Q. So approximately, to the extent it can be 2 generalized, how many captains report to port captains, 3 to each one? 4 A. Eight to eleven. 5 Q. And is there any port captain at Blessey Marine 6 that would have the same level of knowledge about the 7 overall operations of Blessey Marine that you have? 8 MR. OBERTI: ] 9 Objection, calls for speculation. 10 You can answer. 11 MR. GRIFFITH: 12 You can answer the question it. 13 THE WITNESS: 14 No, I don't believe so. 15 BY MR. GRIFFITH: 16 Q. Is there any person at Blessey Marine in the 17 operations department that would have as much knowledge 18 as you about the overall operations of Blessey Marine on 19 a day-to-day basis? 20 A. No. 21 Q. Is there any person, to your knowledge, at 22 Blessey Marine that would have as much familiarity with 23 the ongoing on the boats themselves? 24 A. No. 25 Q. Is there any person that would have as much</p>	<p>1 WITNESS' CERTIFICATE: 2 3 I, Dustin Grenon, read or have had the 4 foregoing testimony read to me and hereby certify that 5 it is a true and correct transcription of my testimony, 6 with the exception of any attached corrections or 7 changes. 8 9 10 11 _____ 12 Dustin Grenon 13 14 _____ Signed with corrections noted. 15 _____ Signed without corrections noted. 16 17 18 DATE OF DEPOSITION: 6/5/12 19 20 21 22 23 24 25</p>
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<p>1 expertise or knowledge about what's on the captains' 2 logs? 3 A. No. 4 Q. Is there any tankermen within Blessey Marine that 5 could have the same level of familiarity with the 6 captain's log? 7 A. No. 8 Q. To your knowledge, are any tankermen involved in 9 the preparation of captains' logs? 10 A. No. 11 Q. Are the tankermen supposed to be involved in the 12 preparation of captains' logs? 13 A. No. 14 Q. As part of their normal job duties, do tankermen 15 review, prepare or edit or otherwise input information 16 on captains' logs? 17 A. No. 18 MR. GRIFFITH: 19 I don't have anymore questions. 20 MR. OBERTI: 21 That's it. 22 (Testimony concludes at 4:27 p.m.) 23 24 25</p>	<p>1 STATE OF LOUISIANA: 2 This verification is valid only for a transcript 3 accompanied by my original signature and original blue 4 seal on this page; 5 I, Elicia H. Woodworth, Certified Court Reporter 6 in and for the State of Louisiana, as the officer before 7 whom this testimony was taken, do hereby certify that 8 the witness, to whom oath was administered, after having 9 been duly sworn by me upon authority of R.S. 37:2554 did 10 testify as hereinbefore set forth in the foregoing 11 pages; 12 That this testimony was reported by me in the 13 stenotype reporting method, was prepared and transcribed 14 by me or under my personal direction and supervision, 15 and is a true and correct transcript to the best of my 16 ability and understanding; 17 That I am not related to counsel or to the 18 parties herein, nor am I otherwise interested in the 19 outcome of this matter. 20 Baton Rouge, Louisiana, on this date _____. 21 22 23 _____ 24 Elicia H. Woodworth, CCR 25 Certificate No. 27014</p>

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